

EXHIBIT 2

DEPOSITION OF JAMES BENNETT

(Manager of Operations for Blue Cab Company, Inc., which is defendant in underlying auto liability case and in coverage lawsuit)

taken July 26, 2010



1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF COOK)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - LAW DIVISION

6 ROSE M. WASHINGTON-SANDERS,)
7)
8 Plaintiff,)

9 vs.) No. 07 L 13584
10)

11 THOMAS McFADDEN, Individually)
12 and as an Agent and/or Employee)
13 of BLUE CAB CO., INC.; and BLUE)
14 CAB CO., INC., an Illinois)
15 corporation,)
16 Defendants.)

17 The discovery deposition of JAMES BENNETT,
18 taken under oath on the 26th day of July 2010, at
19 Suite 5500, 70 West Madison Street, Chicago,
20 Illinois, pursuant to the Rules of the Supreme Court
21 of Illinois and the Code of Civil Procedure, before
22 Jean M. Plomin, a notary public in and for the County
23 of Cook and State of Illinois, pursuant to notice.
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| <p>1 APPEARANCES:</p> <p>2 POWER, ROGERS & SMITH, P.C., by</p> <p>3 MS. CAROLYN DALEY SCOTT</p> <p>4 70 West Madison Street</p> <p>5 Suite 5500</p> <p>6 Chicago, IL 60602-4212</p> <p>7 (312) 236-9381</p> <p>8 for the plaintiff;</p> <p>9 CONDON & COOK, LLC, by</p> <p>10 MS. LAUREN A. ROZICH</p> <p>11 745 North Dearborn Street</p> <p>12 Chicago, IL 60654</p> <p>13 (312) 266-1313</p> <p>14 for the defendant, Thomas McFadden;</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> 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<p>191</p> <p>192</p> <p>193</p> <p>194</p> <p>195</p> <p>196</p> <p>197</p> <p>198</p> <p>199</p> <p>200</p> <p>201</p> <p>202</p> <p>203</p> <p>204</p> <p>205</p> <p>206</p> <p>207</p> <p>208</p> <p>209</p> <p>210</p> <p>211</p> <p>212</p> <p>213</p> <p>214</p> <p>215</p> <p>216</p> <p>217</p> <p>218</p> <p>219</p> <p>220</p> <p>221</p> <p>222</p> <p>223</p> <p>224</p> <p>225</p> <p>226</p> <p>227</p> <p>228</p> <p>229</p> <p>230</p> <p>231</p> <p>232</p> <p>233</p> <p>234</p> <p>235</p> <p>236</p> <p>237</p> <p>238</p> <p>239</p> <p>240</p> <p>241</p> <p>242</p> <p>243</p> <p>244</p> <p>245</p> <p>246</p> <p>247</p> <p>248</p> <p>249</p> <p>250</p> <p>251</p> <p>252</p> <p>253</p> <p>254</p> <p>255</p> <p>256</p> <p>257</p> <p>258</p> <p>259</p> <p>260</p> <p>261</p> <p>262</p> <p>263</p> <p>264</p> <p>265</p> <p>266</p> <p>267</p> <p>268</p> <p>269</p> <p>270</p> <p>271</p> <p>272</p> <p>273</p> <p>274</p> <p>275</p> <p>276</p> <p>277</p> <p>278</p> <p>279</p> <p>280</p> <p>281</p> 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<p>828</p> <p>829</p> <p>830</p> <p>831</p> <p>832</p> <p>833</p> <p>834</p> <p>835</p> <p>836</p> <p>837</p> <p>838</p> <p>839</p> <p>840</p> <p>841</p> <p>842</p> <p>843</p> <p>844</p> <p>845</p> <p>846</p> <p>847</p> <p>848</p> <p>849</p> <p>850</p> <p>851</p> <p>852</p> <p>853</p> <p>854</p> <p>855</p> <p>856</p> <p>857</p> <p>858</p> <p>859</p> <p>860</p> <p>861</p> <p>862</p> <p>863</p> <p>864</p> <p>865</p> <p>866</p> <p>867</p> <p>868</p> <p>869</p> <p>870</p> <p>871</p> <p>872</p> <p>873</p> <p>874</p> <p>875</p> <p>876</p> <p>877</p> <p>878</p> <p>879</p> <p>880</p> <p>881</p> <p>882</p> <p>883</p> <p>884</p> <p>885</p> <p>886</p> <p>887</p> <p>888</p> <p>889</p> <p>890</p> <p>891</p> <p>892</p> <p>893</p> <p>894</p> <p>895</p> <p>896</p> <p>897</p> <p>898</p> <p>899</p> <p>900</p> <p>901</p> <p>902</p> <p>903</p> <p>904</p> <p>905</p> <p>906</p> <p>907</p> <p>908</p> <p>909</p> <p>910</p> <p>911</p> <p>912</p> <p>913</p> <p>914</p> <p>915</p> <p>916</p> <p>917</p> <p>918</p> <p>919</p> <p>920</p> <p>921</p> <p>922</p> <p>923</p> <p>924</p> <p>925</p> <p>926</p> <p>927</p> <p>928</p> <p>929</p> <p>930</p> <p>931</p> <p>932</p> <p>933</p> <p>934</p> <p>935</p> <p>936</p> <p>937</p> <p>938</p> <p>939</p> <p>940</p> <p>941</p> <p>942</p> <p>943</p> <p>944</p> <p>945</p> <p>946</p> <p>947</p> <p>948</p> <p>949</p> <p>950</p> <p>951</p> <p>952</p> <p>953</p> <p>954</p> <p>955</p> <p>956</p> <p>957</p> <p>958</p> <p>959</p> <p>960</p> <p>961</p> <p>962</p> <p>963</p> <p>964</p> <p>965</p> <p>966</p> <p>967</p> <p>968</p> <p>969</p> <p>970</p> <p>971</p> <p>972</p> <p>973</p> <p>974</p> <p>975</p> <p>976</p> <p>977</p> <p>978</p> <p>979</p> <p>980</p> <p>981</p> <p>982</p> <p>983</p> <p>984</p> <p>985</p> <p>986</p> <p>987</p> <p>988</p> <p>989</p> <p>990</p> <p>991</p> <p>992</p> <p>993</p> <p>994</p> <p>995</p> <p>996</p> <p>997</p> <p>998</p> <p>999</p> <p>1000</p> | <p>1 (Witness sworn.)</p> <p>2 JAMES BENNETT,</p> <p>3 called as a witness herein, having been first duly</p> <p>4 sworn, was examined and testified as follows:</p> <p>5 EXAMINATION</p> <p>6 BY</p> <p>7 MS. DALEY SCOTT:</p> <p>8 Q Could you please state your name and spell</p> <p>9 it for the record.</p> <p>10 A James Bennett, B-e-n-n-e-t-t.</p> <p>11 MS. DALEY SCOTT: Let the record reflect that</p> <p>12 this is the discovery deposition of Mr. James Bennett</p> <p>13 taken pursuant to notice and agreement of the</p> <p>14 parties, taken pursuant to the Illinois Supreme Court</p> <p>15 Rules, the Code of Civil Procedure and any applicable</p> <p>16 local rules.</p> <p>17 BY MS. DALEY SCOTT:</p> <p>18 Q Mr. Bennett, have you ever given a</p> <p>19 deposition before?</p> <p>20 A A few, yes.</p> <p>21 Q When have you given a deposition?</p> <p>22 A I'm sorry?</p> <p>23 Q When have you given a deposition?</p> <p>24 A I can't remember. It's been some time now.</p> |
| <p>1 INDEX</p> <p>2 Witness: Page</p> <p>3 JAMES BENNETT</p> <p>4 Examination by:</p> <p>5 Ms. Daley Scott..... 4</p> <p>6 Mr. Weiss..... 80</p> <p>7</p> <p>8 Further Examination by:</p> <p>9 Ms. Daley Scott..... 85</p> <p>10 Mr. Weiss..... 93</p> <p>11</p> <p>12 EXHIBITS</p> <p>13 Number Page</p> <p>14 Bennett 1..... 33</p> <p>15 Bennett 2-3..... 74</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> | <p>1 Q In what context did you give the</p> <p>2 deposition?</p> <p>3 A It was accident related.</p> <p>4 Q Were you a party to the lawsuit?</p> <p>5 A Blue Cab was a party to a lawsuit.</p> <p>6 Q Okay. Sir, I'm sure your counsel has gone</p> <p>7 over kind of the basics of a deposition with you, but</p> <p>8 there are some basic ground rules that I would ask</p> <p>9 you that abide by in order to make things go a little</p> <p>10 bit smoother.</p> <p>11 I ask that all of your responses be</p> <p>12 verbal as the court reporter is taking down</p> <p>13 everything that is being said in the room. Okay?</p> <p>14 A I understand.</p> <p>15 Q A nod of the head, a shrug of the shoulders</p> <p>16 cannot be taken down. If you respond in that</p> <p>17 fashion, I will ask for a verbal response. And so</p> <p>18 just to remind you, if you could just have all verbal</p> <p>19 responses. Okay?</p> <p>20 A I understand.</p> <p>21 Q Uh-huh, uhn-uhn, hm-hmm, those sorts of</p> <p>22 responses also do not make for a clear record. While</p> <p>23 everyone in the room here today might understand what</p> <p>24 you mean by that, it will not be clear on the record;</p> |

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1 so I ask that you refrain from those sorts of
2 responses. Okay?
3 A I understand.
4 Q If you answer my questions, I'm going to
5 assume that you understood them. If you do not
6 understand a question, please ask me to rephrase my
7 question or let me know that you do not understand
8 it. Okay?
9 A I understand.
10 Q If at any time you would like to take a
11 break, please let us know.
12 MS. DALEY SCOTT: Off the record a minute.
13 (Whereupon, a discussion was had
14 off the record.)
15 MS. DALEY SCOTT: On the record.
16 BY MS. DALEY SCOTT:
17 Q If at any time you would like to take a
18 break, please let me know; I would be happy to take a
19 break. If there's a question pending, I ask that you
20 just answer that question. Okay?
21 A I understand.
22 Q Also, please wait until I finish asking my
23 question before beginning your answer, and I will do
24 the same in regards to your answer. It will make the

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1 court reporter's job a lot easier and make for a
2 clear transcript. Okay?
3 A I understand.
4 Q Mr. Bennett, what is your date of birth?
5 A [REDACTED]
6 Q And your social security number?
7 A (Removed by agreement of Counsel.)
8 Q And where do you currently live?
9 A 675 Valley Road, Lake Forest.
10 Q How long have you lived at the Valley Road
11 residence?
12 A 16 years approximately.
13 Q Do you have any plans on moving in the next
14 year and a half?
15 A I do not.
16 Q And who resides there with you?
17 A My wife and daughter.
18 Q And, Mr. Bennett, can you -- strike that.
19 Did you attend college?
20 A I did.
21 Q And where did you attend college?
22 A Carthage College.
23 Q And when did you attend Carthage College?
24 A I graduated in 1985.

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1 Q Do you know did you -- strike that.
2 What degree did you get in 1985?
3 A Bachelor's degree.
4 Q Bachelor's of art? Science?
5 A Bachelor of arts.
6 Q And was it a four-year program, I assume?
7 A It was.
8 Q And so did you begin Carthage College in
9 1981?
10 A I did.
11 Q Did you go on to get any advanced degrees?
12 A I did not.
13 Q Was the -- strike that.
14 Do you have any other degrees from
15 anywhere besides Carthage College?
16 A I do not.
17 MR. WEISS: By the way, can we take his -- can
18 we all agree to remove his social security number
19 from the record since you've got it written down?
20 MS. DALEY SCOTT: Yes. That's fine.
21 MR. WEISS: Okay.
22 THE WITNESS: Thank you.
23 MR. WEISS: I should have interrupted then.
24 I'm sorry. Go ahead.

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1 BY MS. DALEY SCOTT:
2 Q And can you go over your employment
3 background with me, sir, starting from today's date
4 and going back about -- we'll say go back 15 years
5 for me.
6 A I have worked for Blue Cab for
7 approximately 20 years.
8 Q So roughly since 1990 you've worked for
9 Blue Cab?
10 A Actually 1986. So 25 years? Yeah,
11 25 years.
12 Q And in 1986 when you began working for Blue
13 Cab, what were you employed as?
14 A As a manager.
15 Q Manager of what?
16 A Of the operation.
17 Q How long were you manager of operations?
18 A Technically it's the same position right
19 now.
20 Q So your position at Blue Cab Company has
21 not changed since 1986?
22 A Correct. I'm doing the same capacity that
23 I was doing when I started.
24 Q And what are your duties as manager of

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| <p style="text-align: right;">Page 10</p> <p>1 operations for Blue Cab Company?</p> <p>2 A I oversee the entire operation from</p> <p>3 dispatchers to the accounting department.</p> <p>4 Q What is included in the entire operation?</p> <p>5 A Reviewing reports, reviewing call takers'</p> <p>6 schedules, reviewing what the accounting department</p> <p>7 gives me for records.</p> <p>8 Q What else?</p> <p>9 A That's pretty much about it.</p> <p>10 Q Are you involved in -- strike that.</p> <p>11 Are these your duties as they are</p> <p>12 today, sir?</p> <p>13 A Correct.</p> <p>14 Q In 1986 were these duties the same?</p> <p>15 A Approximately, yes, they were the same.</p> <p>16 Q How did they differ, if at all?</p> <p>17 A I can't remember exactly what I was doing</p> <p>18 in '86; but for the most part, I was overseeing the</p> <p>19 dispatch and accounting department.</p> <p>20 Q When you say "overseeing the dispatch,"</p> <p>21 what does that exactly involve?</p> <p>22 A Making sure that the call takers show up,</p> <p>23 that they're doing their work properly, that the</p> <p>24 accounting clerks are doing their work properly.</p> | <p style="text-align: right;">Page 12</p> <p>1 coming to your deposition today?</p> <p>2 A I reviewed McFadden's deposition just</p> <p>3 briefly to see what he said.</p> <p>4 Q Did you look at any other documents?</p> <p>5 A I did not.</p> <p>6 Q Okay. And I don't want to know anything</p> <p>7 that you've talked to your attorney about, but have</p> <p>8 you talked to anyone about this deposition today?</p> <p>9 A I have not.</p> <p>10 Q Have you talked to anyone -- obviously</p> <p>11 besides your attorney -- about this case?</p> <p>12 A I have not.</p> <p>13 Q As the manager of operations for Blue Cab</p> <p>14 Company, are you the person who deals directly with</p> <p>15 Blue Cab Company drivers?</p> <p>16 A I do not interface with them on a daily</p> <p>17 basis.</p> <p>18 Q Do you interface with them at all?</p> <p>19 A Yes. From time to time, I will interface</p> <p>20 with them.</p> <p>21 Q For what purposes?</p> <p>22 A If they have questions that cannot be</p> <p>23 answered by possibly office staff or one of my</p> <p>24 managers.</p> |
| <p style="text-align: right;">Page 11</p> <p>1 Q And when you say that you oversee the</p> <p>2 dispatchers to make sure that the call takers show</p> <p>3 up, where do the call takers show up?</p> <p>4 A At our office at 7417 Roosevelt Road.</p> <p>5 Q Is that where dispatch is located?</p> <p>6 A That is correct.</p> <p>7 Q Is there any other dispatch location --</p> <p>8 A No.</p> <p>9 Q -- for Blue Cab Company?</p> <p>10 A No, there's not.</p> <p>11 Q What else besides dispatch is located at</p> <p>12 your office at 7417 Roosevelt Road?</p> <p>13 A There is an auto repair center.</p> <p>14 Q What else?</p> <p>15 A There is a package delivery service.</p> <p>16 Q What else?</p> <p>17 A That is it.</p> <p>18 Q And this is where the corporate offices are</p> <p>19 located for Blue Cab Company?</p> <p>20 A Yes, it is.</p> <p>21 Q Since 1986 have you worked anywhere else</p> <p>22 besides Blue Cab Company?</p> <p>23 A I have not.</p> <p>24 Q Sir, did you review anything prior to</p> | <p style="text-align: right;">Page 13</p> <p>1 Q Sir, as manager of operations, are you</p> <p>2 involved in any of the advertisement that Blue Cab</p> <p>3 Company does?</p> <p>4 A Yes, I would be involved with that.</p> <p>5 Q And what's your involvement?</p> <p>6 A I look at possible advertisement that would</p> <p>7 be going into whatever form there may be, and I get</p> <p>8 approval for it.</p> <p>9 Q Do you, yourself, do approval?</p> <p>10 A Yes.</p> <p>11 Q Who else does the approval on</p> <p>12 advertisements?</p> <p>13 A I get referrals from the president of the</p> <p>14 company.</p> <p>15 Q Who is the president of the company?</p> <p>16 A Jerilyn Ugaste.</p> <p>17 Q Do you know how to spell that name?</p> <p>18 A U-g-a-s-t-e.</p> <p>19 Q And the first name?</p> <p>20 A Jerilyn, J-e-r-i-l-y-n.</p> <p>21 Q And you get approval from Jerilyn for any</p> <p>22 and all advertisements; is that correct?</p> <p>23 A We talk about it.</p> <p>24 Q Can you make changes to advertisements if</p> |

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| <p style="text-align: right;">Page 14</p> <p>1 you so choose?</p> <p>2 A Yes.</p> <p>3 Q Do you have the authority to make changes</p> <p>4 on advertisements for Blue Cab Company?</p> <p>5 A Yes.</p> <p>6 Q Do you have the authority to control the</p> <p>7 content on advertisements for Blue Cab Company?</p> <p>8 A Yes.</p> <p>9 Q And if there's something that you feel</p> <p>10 should not be placed in an advertisement for Blue Cab</p> <p>11 Company, do you express that to Jerilyn?</p> <p>12 A Yes.</p> <p>13 Q Does Jerilyn generally follow your</p> <p>14 recommendations in that regard?</p> <p>15 A Yes.</p> <p>16 Q And if you feel there's something that</p> <p>17 should be included in Blue Cab Company's</p> <p>18 advertisements that is not included, would you have</p> <p>19 the authority to suggest that?</p> <p>20 A Yes.</p> <p>21 Q And does Jerilyn generally follow your</p> <p>22 suggestion in that regard?</p> <p>23 A She does.</p> <p>24 Q And is there anyone else involved besides</p> | <p style="text-align: right;">Page 16</p> <p>1 A I do.</p> <p>2 Q Do you have the authority to say what --</p> <p>3 strike that.</p> <p>4 Do you have the authority to determine</p> <p>5 what should and should not be on Blue Cab Company's</p> <p>6 Web site?</p> <p>7 A I do.</p> <p>8 Q Okay. And so everything that's on Blue Cab</p> <p>9 Company's Web site is subject to your approval; is</p> <p>10 that correct?</p> <p>11 A That is correct.</p> <p>12 Q Okay. And has that been correct since Blue</p> <p>13 Cab Company has had a Web site?</p> <p>14 A That is correct.</p> <p>15 Q And any changes to Blue Cab Company's Web</p> <p>16 site are changes that are met with your approval; is</p> <p>17 that correct?</p> <p>18 A That is correct.</p> <p>19 Q Is anyone else involved -- obviously</p> <p>20 besides the company that creates the Web site for</p> <p>21 you -- is anyone else involved in Blue Cab Company's</p> <p>22 Web site from Blue Cab Company?</p> <p>23 A No.</p> <p>24 Q Sir, do you recall answering certain</p> |
| <p style="text-align: right;">Page 15</p> <p>1 yourself and Jerilyn in the advertisements for Blue</p> <p>2 Cab Company?</p> <p>3 A No.</p> <p>4 Q And, now, for the Web site for Blue Cab --</p> <p>5 strike that.</p> <p>6 Blue Cab Company has a Web site,</p> <p>7 correct?</p> <p>8 A That is correct.</p> <p>9 Q What is that Web site address?</p> <p>10 A www.bluecab.us.</p> <p>11 Q Are you involved at all with the Web site</p> <p>12 for Blue Cab Company?</p> <p>13 A Yes, I know about it. I don't know how to</p> <p>14 design a Web site, though, if that's what you mean.</p> <p>15 Q Do you have another company that does the</p> <p>16 Web site hosting and design for Blue Cab Company?</p> <p>17 A Yes, ma'am.</p> <p>18 Q In regards to the content that's on the Web</p> <p>19 site for Blue Cab Company, are you involved in</p> <p>20 determining what content should be on Blue Cab</p> <p>21 Company's Web site?</p> <p>22 A Yes.</p> <p>23 Q Do you approve the content for Blue Cab</p> <p>24 Company's Web site?</p> | <p style="text-align: right;">Page 17</p> <p>1 discovery in this matter?</p> <p>2 A Yes, I remember filling something out some</p> <p>3 time ago.</p> <p>4 Q Okay. Sir, do you know who Thomas McFadden</p> <p>5 is?</p> <p>6 A I do.</p> <p>7 Q Who is Thomas McFadden?</p> <p>8 A He is a driver that was driving the vehicle</p> <p>9 that was involved in an accident.</p> <p>10 Q Okay. Did you know him before you became</p> <p>11 aware of that accident?</p> <p>12 A I knew of his name. I don't know a lot</p> <p>13 about him.</p> <p>14 Q How did you come to learn of the accident</p> <p>15 that is the subject matter of this lawsuit?</p> <p>16 A I'm sorry?</p> <p>17 Q How did you come to learn of the accident</p> <p>18 on September 23, 2007, which is the subject matter of</p> <p>19 this lawsuit?</p> <p>20 A Another driver told a dispatcher that he</p> <p>21 seen an accident that the car was in. He didn't see</p> <p>22 the accident, but he saw the aftermath of the</p> <p>23 accident.</p> <p>24 Q Do you know what driver that was?</p> |

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| <p style="text-align: right;">Page 18</p> <p>1 A I do not.</p> <p>2 Q Do you know what dispatcher was involved in</p> <p>3 that?</p> <p>4 A I do not.</p> <p>5 Q How many dispatchers does Blue Cab Company</p> <p>6 have?</p> <p>7 A Approximately six.</p> <p>8 Q In September of 2007, did Blue Cab Company</p> <p>9 have approximately six dispatchers?</p> <p>10 A Correct.</p> <p>11 Q Are those full-time employees of Blue Cab</p> <p>12 Company?</p> <p>13 A They are.</p> <p>14 Q Does Blue Cab Company -- strike that.</p> <p>15 In September of 2007, did Blue Cab</p> <p>16 Company itself own any taxicabs?</p> <p>17 A They did not.</p> <p>18 Q Has Blue Cab Company ever owned any</p> <p>19 taxicabs?</p> <p>20 A We have.</p> <p>21 Q When was the last time that Blue Cab</p> <p>22 Company owned any taxicabs?</p> <p>23 A I would say sometime in 2006.</p> <p>24 Q And why does Blue Cab Company no longer own</p> | <p style="text-align: right;">Page 20</p> <p>1 McFadden drove in 2007?</p> <p>2 A I don't recall. I know it was, I believe,</p> <p>3 a Ford Crown Victoria.</p> <p>4 Q Sir, did Mr. McFadden purchase this vehicle</p> <p>5 from yourself?</p> <p>6 A He purchased it from Blue Cab Company.</p> <p>7 Q Do you know what this vehicle looked like?</p> <p>8 A The vehicle was a Ford Crown Victoria</p> <p>9 painted blue and white.</p> <p>10 Q What else?</p> <p>11 A That's what the vehicle looked like.</p> <p>12 Q Did the vehicle have Blue Cab Company's</p> <p>13 name painted on it as well?</p> <p>14 A It has a decal on it, yes.</p> <p>15 Q Describe the decal to me, please.</p> <p>16 A The decal says, Dispatch Service by Blue</p> <p>17 Cab.</p> <p>18 Q Does it have Blue Cab Company's phone</p> <p>19 number on it?</p> <p>20 A It does.</p> <p>21 Q Does it have Blue Cab Company's location on</p> <p>22 it?</p> <p>23 A It does not.</p> <p>24 Q What color is the decal?</p> |
| <p style="text-align: right;">Page 19</p> <p>1 any taxicabs?</p> <p>2 A It was a business decision that was made</p> <p>3 some four or five years prior that it was not the</p> <p>4 business motto that we wanted to be in.</p> <p>5 Q So what did Blue Cab Company do with those</p> <p>6 taxicabs?</p> <p>7 A The drivers wanted to purchase their own</p> <p>8 vehicles; so as drivers purchased their own vehicles,</p> <p>9 the other ones were sold off.</p> <p>10 Q Blue Cab Company sold the taxicabs to</p> <p>11 drivers that worked for Blue Cab Company; is that</p> <p>12 correct?</p> <p>13 MR. WEISS: Object to form.</p> <p>14 Go ahead and answer.</p> <p>15 THE WITNESS: Not only to drivers, but to</p> <p>16 individuals. They were just put up for sale.</p> <p>17 Anybody off the street could purchase a car.</p> <p>18 BY MS. DALEY SCOTT:</p> <p>19 Q Now, in September of 2007, Thomas McFadden</p> <p>20 drove a taxicab for Blue Cab Company; is that</p> <p>21 correct?</p> <p>22 A Thomas McFadden drove his own vehicle for</p> <p>23 Blue Cab.</p> <p>24 Q Do you recall the vehicle that Thomas</p> | <p style="text-align: right;">Page 21</p> <p>1 A It is a light blue color decal with white</p> <p>2 lettering.</p> <p>3 Q Where is that decal located on the vehicle?</p> <p>4 A It is located on both doors, on both rear</p> <p>5 doors.</p> <p>6 Q Is there any decal on the hood of the car?</p> <p>7 A There is not.</p> <p>8 Q Any decal on the trunk of the car?</p> <p>9 A There is not.</p> <p>10 Q Any writing at all on the hood of the car?</p> <p>11 A There is not.</p> <p>12 Q Any writing at all on the trunk of the car</p> <p>13 or the back bumper area?</p> <p>14 A There is not.</p> <p>15 Q Now, what you were just describing to me is</p> <p>16 the vehicle Mr. McFadden was driving, correct?</p> <p>17 A That is correct.</p> <p>18 Q The other -- strike that.</p> <p>19 Is there a taxicab -- anything</p> <p>20 indicating on the roof of the vehicle that it's a</p> <p>21 taxicab?</p> <p>22 A There is a taxi top light on the top of the</p> <p>23 vehicle, correct.</p> <p>24 Q Okay. And does that say Blue Cab anywhere</p> |

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| <p style="text-align: right;">Page 22</p> <p>1 on it?</p> <p>2 A It does not.</p> <p>3 Q On the interior -- what's the interior of</p> <p>4 the vehicle like?</p> <p>5 A A typical -- it looks like a typical car</p> <p>6 with two seats and a rear seat.</p> <p>7 Q Are there any decals on any of the windows</p> <p>8 in the car?</p> <p>9 A There are decals on the windows, correct.</p> <p>10 Q And what are those decals?</p> <p>11 A The decals are the rates that the car</p> <p>12 charges for taxi service.</p> <p>13 Q What else?</p> <p>14 A There is a sticker that informs the</p> <p>15 passenger of tax that is charged by the City of</p> <p>16 Chicago.</p> <p>17 Q What else?</p> <p>18 A That is all I can remember now.</p> <p>19 Q Are there any decals on the window that</p> <p>20 passengers must exit on curb side only?</p> <p>21 A I don't believe -- it is not something we</p> <p>22 supply.</p> <p>23 Q In regards to the other decals, are those</p> <p>24 supplied by Blue Cab?</p> | <p style="text-align: right;">Page 24</p> <p>1 printing within a vehicle -- or within this vehicle</p> <p>2 that you recall?</p> <p>3 A No. That would be it.</p> <p>4 Q Is there any signage that has, Any</p> <p>5 questions or comments, call Blue Cab, anything along</p> <p>6 those lines in the taxicab?</p> <p>7 A No, there is not.</p> <p>8 Q Now, we've just been discussing what you</p> <p>9 recall Mr. McFadden's taxicab looked like on the day</p> <p>10 of the accident, correct?</p> <p>11 A Correct.</p> <p>12 Q Now, the other taxis that display -- strike</p> <p>13 that.</p> <p>14 The other Blue Cab taxis, do they all</p> <p>15 have similar identification that you've been</p> <p>16 describing to me?</p> <p>17 A They are similar, yes.</p> <p>18 Q Okay. Are all Blue Cab taxis blue and</p> <p>19 white in appearance?</p> <p>20 A No.</p> <p>21 Q Okay. How are -- strike that.</p> <p>22 Describe the variations in Blue Cab</p> <p>23 taxis.</p> <p>24 A There are some taxis that are just solid</p> |
| <p style="text-align: right;">Page 23</p> <p>1 A They are.</p> <p>2 Q And on the rate decal, does that decal say</p> <p>3 Blue Cab anywhere on it?</p> <p>4 A It does.</p> <p>5 Q Where on the decal does it say Blue Cab?</p> <p>6 A I believe the top of the decal somewhere it</p> <p>7 would say Blue Cab on it.</p> <p>8 Q Does it have Blue Cab's phone number on it?</p> <p>9 A I believe, yes, it would have a Blue Cab</p> <p>10 phone number on it.</p> <p>11 Q Sir, is there a decal in the -- strike</p> <p>12 that.</p> <p>13 Are there any -- I don't know if you</p> <p>14 would call it a decal or signage within the vehicle</p> <p>15 itself that states a passenger's rights?</p> <p>16 A No, there is not.</p> <p>17 Q Is there any decal or signage within the</p> <p>18 car beyond the rates and the tax decals that you told</p> <p>19 me of today?</p> <p>20 A Not that I know of, no.</p> <p>21 Q Is there any area within the taxi that a</p> <p>22 driver is to display their license?</p> <p>23 A No.</p> <p>24 Q Is there any other signage, decals or</p> | <p style="text-align: right;">Page 25</p> <p>1 blue.</p> <p>2 Q Are all Blue Cab taxis either solid blue or</p> <p>3 blue and white?</p> <p>4 A There have been some vehicles that have</p> <p>5 green bumpers on them.</p> <p>6 Q Who determines the paint color of a Blue</p> <p>7 Cab taxi?</p> <p>8 A The Village determines the colors.</p> <p>9 Q The Village meaning who?</p> <p>10 A The Village of Oak Park, Forest Park.</p> <p>11 Q Do all Blue Cab taxis have the Blue Cab</p> <p>12 decal on them as you described to me on the rear</p> <p>13 doors?</p> <p>14 A Yes. Some are removable, though, so that</p> <p>15 the driver does not have to put them on.</p> <p>16 Q When a driver is driving a customer of Blue</p> <p>17 Cab, do those decals have to be on their taxis?</p> <p>18 A They should be on the taxis; that is</p> <p>19 correct.</p> <p>20 Q Per the owner-operator agreements that you</p> <p>21 have with your drivers, those decals are to be on</p> <p>22 their taxis when operating -- or when driving one of</p> <p>23 the customers, correct?</p> <p>24 A I do not know if that's part of the</p> |

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| <p style="text-align: right;">Page 26</p> <p>1 owner-operator agreement.</p> <p>2 Q Is that something, though, that you require</p> <p>3 of your drivers?</p> <p>4 A It's something that I do not see on the</p> <p>5 street if they are truly doing that.</p> <p>6 Q But Blue Cab would not authorize a driver</p> <p>7 to drive customers in a taxi that did not have those</p> <p>8 decals, correct?</p> <p>9 A They would want to have the decals; that is</p> <p>10 correct.</p> <p>11 Q And in regards to the rate decal on the</p> <p>12 window, is that something that Blue Cab requires its</p> <p>13 drivers to display in their taxi when driving Blue</p> <p>14 Cab customers?</p> <p>15 A No.</p> <p>16 Q So Blue Cab would authorize its drivers to</p> <p>17 drive its customers without displaying the rates; is</p> <p>18 that correct?</p> <p>19 A Some drivers have asked not to display the</p> <p>20 rate card in their vehicle.</p> <p>21 Q And has Blue Cab authorized that?</p> <p>22 A Yes.</p> <p>23 Q And why would Blue Cab -- in what situation</p> <p>24 would Blue Cab authorize that?</p> | <p style="text-align: right;">Page 28</p> <p>1 their customers?</p> <p>2 A Yes.</p> <p>3 Q Does Blue Cab Company provide the decals on</p> <p>4 the exterior of a vehicle to the drivers?</p> <p>5 A We do.</p> <p>6 Q Okay. Does Blue Cab Company provide the</p> <p>7 rate decal that goes on the interior of the vehicle</p> <p>8 to the drivers?</p> <p>9 A We do.</p> <p>10 Q Does Blue Cab provide the tax decal that</p> <p>11 goes on the interior of the vehicles to the drivers?</p> <p>12 A We do.</p> <p>13 Q If a taxi driver wanted to -- a taxi driver</p> <p>14 that drove Blue Cab Company's customers wanted to</p> <p>15 paint their vehicle, say, red, would Blue Cab</p> <p>16 authorize that?</p> <p>17 A We have authorized a portion of the car to</p> <p>18 be a different color, yes.</p> <p>19 Q I'm asking -- could you answer my question,</p> <p>20 sir.</p> <p>21 If a taxi driver wanted to paint,</p> <p>22 let's say, their entire vehicle red and continue to</p> <p>23 drive Blue Cab's customers, would Blue Cab authorize</p> <p>24 that?</p> |
| <p style="text-align: right;">Page 27</p> <p>1 A The driver did not want to have the rate</p> <p>2 sheet displayed in his vehicle.</p> <p>3 Q And was that driver required to provide</p> <p>4 copies of the rate sheet to their drivers -- to their</p> <p>5 customers? Excuse me.</p> <p>6 A No.</p> <p>7 Q So a customer, upon entering that driver's</p> <p>8 vehicle, would have no idea what the rates were; is</p> <p>9 that correct?</p> <p>10 A That is correct.</p> <p>11 Q And Blue Cab authorized that?</p> <p>12 A Yes.</p> <p>13 Q In regards to the tax decal, does Blue Cab</p> <p>14 authorize that to -- strike that.</p> <p>15 Does Blue Cab expect that that is in</p> <p>16 the vehicles when drivers are driving Blue Cab</p> <p>17 customers?</p> <p>18 A That's correct. It's sometimes not on the</p> <p>19 rear of the -- it's not inside the vehicle, correct.</p> <p>20 Q Blue Cab authorizes it not to be inside the</p> <p>21 vehicle?</p> <p>22 A Yes.</p> <p>23 Q And Blue Cab authorizes their drivers to</p> <p>24 drive customers without providing that information to</p> | <p style="text-align: right;">Page 29</p> <p>1 A I have never been approached with a driver</p> <p>2 asking to have a red cab in a Blue Cab fleet. That</p> <p>3 has never come across my desk.</p> <p>4 Q As manager of operations, would you approve</p> <p>5 that?</p> <p>6 A I don't think that would be appropriate,</p> <p>7 correct.</p> <p>8 Q Why do you not think it would be</p> <p>9 appropriate?</p> <p>10 A I just do not think that it's similar in</p> <p>11 color scheme to our vehicles.</p> <p>12 Q Does Blue Cab Company try to keep a similar</p> <p>13 color scheme for all of their vehicles?</p> <p>14 A We do.</p> <p>15 Q And Blue Cab Company tries to -- strike</p> <p>16 that.</p> <p>17 Does Blue Cab Company try to create a</p> <p>18 similar appearance for all of the vehicles that</p> <p>19 display Blue Cab Company decals?</p> <p>20 A What -- do you mean the type of vehicles?</p> <p>21 Q The overall appearance of the vehicle --</p> <p>22 well, strike that.</p> <p>23 I understand that there are</p> <p>24 different -- actually, strike that.</p> |

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1 What types of vehicles do Blue Cab
2 drivers drive?
3 A There are a wide variety of vehicles that
4 they purchase.
5 Q Okay. With the understanding that there is
6 a wide variety of makes and models of vehicles that
7 these Blue Cab drivers drive and vehicles --
8 obviously depending on the make and model -- will
9 look different, in regards to the color scheme and
10 the overall appearance of these vehicles, does Blue
11 Cab Company try to have an overall color scheme and
12 general similar appearance amongst these vehicles?
13 A Correct, because the Village requires that
14 we are similar in appearance.
15 Q Is that something that is discussed and
16 agreed to with all drivers of Blue Cab Company?
17 A They are informed that it has to be similar
18 in appearance with the colors.
19 Q And if a driver chooses to not adhere to
20 that, what are the ramifications?
21 A We would not write an owner-operator
22 contract with them.
23 Q Okay. So a driver agrees to adhere to that
24 similar appearance for their vehicle upon signing

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1 this owner-operator agreement; is that correct?
2 A That is correct.
3 Q And after a driver has signed that
4 owner-operator agreement, if that driver decides that
5 they no longer want to adhere to the general color
6 scheme and general appearance that is agreed upon,
7 what are the ramifications?
8 A I have never had that happen before.
9 Q What would the ramifications be? As
10 manager of operations, would you deal with that
11 situation?
12 A I would.
13 Q And what would you do as manager of
14 operations of Blue Cab Company if a driver chose not
15 to adhere to the general color appearance scheme that
16 Blue Cab Company has set forth in the owner-operator
17 agreement?
18 A I would advise them that it is something
19 that we cannot do since the Village ordinances
20 require us to be similar in colors.
21 Q And if the driver continued to not adhere
22 to that, what would you do?
23 A We would terminate his contract.
24 Q And in terminating the contract, what would

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1 be involved?
2 A Again, I have not terminated a contract
3 so...
4 Q Would you discontinue dispatch service to
5 that driver?
6 A I would.
7 Q Okay. Is an owner-operator agreement
8 necessary to provide dispatch service to Blue Cab
9 Company drivers?
10 A Blue Cab owner-operators, yes.
11 Q Does every person who operates a vehicle
12 with the color scheme and decals of Blue Cab Company
13 have an owner-operator agreement with Blue Cab
14 Company?
15 A Yes, every vehicle has an owner-operator
16 agreement with us, correct.
17 Q Blue Cab Company does not own any of its
18 own vehicles; is that correct?
19 A That is correct.
20 MS. DALEY SCOTT: I'm going to show you what
21 will be marked as Plaintiff's Exhibit No. -- or
22 Bennett Exhibit No. 1. It's the Blue Cab Company
23 owner-operator agreement that was produced in this
24 matter that's signed by Mr. McFadden as well as

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1 somebody else from Blue Cab Company.
2 (Whereupon, Bennett Deposition
3 Exhibit No. 1 was marked for
4 identification.)
5 BY MS. DALEY SCOTT:
6 Q Are you familiar with this document, sir?
7 MS. ROZICH: Can I see it briefly?
8 THE WITNESS: I am.
9 BY MS. DALEY SCOTT:
10 Q Is this the standard owner-operator
11 agreement used by Blue Cab Company?
12 If you need a minute to read through
13 it, please do.
14 A No. It is.
15 Q Is this agreement used with all of the
16 drivers who drive for Blue Cab Company?
17 A It is.
18 Q And this was executed March 23, 2006; is
19 that correct?
20 A That is correct.
21 Q Okay. Who is the person that signed for
22 Blue Cab Company?
23 A Lisa -- I'm going to get her name wrong --
24 Maritato, I believe it is. I'm sorry. I don't

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| <p style="text-align: right;">Page 34</p> <p>1 really know her last name offhand, but I believe it's</p> <p>2 Maritato.</p> <p>3 Q Does she still work for Blue Cab?</p> <p>4 A She does.</p> <p>5 Q What is her position at Blue Cab?</p> <p>6 A She is in the accounting department.</p> <p>7 Q Is she the one who -- strike that.</p> <p>8 Were you involved in executing this</p> <p>9 owner-operator agreement with Mr. McFadden?</p> <p>10 A On this particular one, no, I was not.</p> <p>11 Q Would she have been the one to execute or</p> <p>12 be involved in the execution of the owner-operator</p> <p>13 agreement with Mr. McFadden?</p> <p>14 A She signed it on behalf of Blue Cab, yes.</p> <p>15 Q So would she have been the person who would</p> <p>16 have gone over the terms of the owner-operator</p> <p>17 agreement with Mr. McFadden?</p> <p>18 A She would have shown him the sheet of paper</p> <p>19 and had him look it over.</p> <p>20 Q Do you know whether or not she went over</p> <p>21 the details of this owner-operator agreement with</p> <p>22 Mr. McFadden?</p> <p>23 A I do not.</p> <p>24 Q Was it the standard -- was it the custom</p> | <p style="text-align: right;">Page 36</p> <p>1 advertisements on them in 2007, September of 2007?</p> <p>2 A We have some drivers that have their own</p> <p>3 advertising, if that's what you mean.</p> <p>4 Q On the vehicle itself?</p> <p>5 A They advertise their own phone number, if</p> <p>6 that's what you mean by advertising.</p> <p>7 Q In the sense that, you know, some taxis you</p> <p>8 see with the big advertisements on top of their</p> <p>9 vehicles, was Blue Cab -- were Blue Cab taxis allowed</p> <p>10 to have that in September of 2007, if you know what</p> <p>11 I'm talking about?</p> <p>12 A We do not have any of that type of</p> <p>13 advertising, no.</p> <p>14 Q Is that permitted?</p> <p>15 A No one has ever approached me with it.</p> <p>16 Q So for a taxi to make any modifications to</p> <p>17 the exterior of their vehicle, would they have to</p> <p>18 seek your approval or Blue Cab's approval?</p> <p>19 MR. WEISS: Object to form.</p> <p>20 You can answer.</p> <p>21 THE WITNESS: Most drivers would come and ask</p> <p>22 me if there's something they can do to the outside of</p> <p>23 the vehicle.</p> <p>24</p> |
| <p style="text-align: right;">Page 35</p> <p>1 and practice of Blue Cab Company to go over</p> <p>2 owner-operator agreements with the owner-operator</p> <p>3 prior to the execution of the agreement?</p> <p>4 A They were given it and asked them to review</p> <p>5 it themselves.</p> <p>6 Q If they had questions, they could bring</p> <p>7 them to Blue Cab?</p> <p>8 A That is correct.</p> <p>9 Q And if they had questions, would those be</p> <p>10 directed to your attention, sir?</p> <p>11 A They would.</p> <p>12 Q Do you know whether Mr. McFadden had any</p> <p>13 questions about this contract?</p> <p>14 A I do not.</p> <p>15 Q Do you recall whether or not -- strike</p> <p>16 that.</p> <p>17 Do you recall if Mr. McFadden or</p> <p>18 Ms. -- what was the last name?</p> <p>19 A Lisa Maritato.</p> <p>20 Q Whether Mr. McFadden or Ms. Maritato came</p> <p>21 to you with any questions in regards to this</p> <p>22 owner-operator agreement?</p> <p>23 A They did not.</p> <p>24 Q Were Blue Cab taxis allowed to have</p> | <p style="text-align: right;">Page 37</p> <p>1 BY MS. DALEY SCOTT:</p> <p>2 Q Is that something that is part of the</p> <p>3 owner-operator agreement, that they must seek yours</p> <p>4 or Blue Cab's authorization?</p> <p>5 A I do not know if it's in the agreement.</p> <p>6 Q To advertise on their vehicle, would that</p> <p>7 be something that a driver would need to seek your</p> <p>8 approval or Blue Cab's approval for?</p> <p>9 A You're referring to a top sign that would</p> <p>10 go on the top of the vehicle?</p> <p>11 Q Correct.</p> <p>12 A I have not had a driver approach me with</p> <p>13 anything like that.</p> <p>14 Q While you have not had that happen, is that</p> <p>15 something that would necessitate Blue Cab's approval</p> <p>16 to put on one of the vehicles?</p> <p>17 A They would probably come and talk to me and</p> <p>18 see if that was allowed. I would have to check with</p> <p>19 Village ordinances to see if it was allowed.</p> <p>20 Q So I'm correct in that that is something</p> <p>21 that would necessitate Blue Cab's approval, correct?</p> <p>22 A It would actually be approval of the</p> <p>23 Village. That's where I would go to see if it was</p> <p>24 possible to do. We would have no objections if the</p> |

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| <p style="text-align: right;">Page 38</p> <p>1 Village allowed it.</p> <p>2 Q But the approval from -- would the taxi</p> <p>3 drivers go to the Village themselves?</p> <p>4 A They would typically come to me and ask if</p> <p>5 it could be done, and I would go to the Village and</p> <p>6 ask them.</p> <p>7 Q Is the Village a party to the</p> <p>8 owner-operator agreement with your drivers?</p> <p>9 A They are not.</p> <p>10 Q So in regards to regulations and</p> <p>11 authorizations for changes on the vehicle, that would</p> <p>12 be something that is between the driver and Blue Cab,</p> <p>13 correct?</p> <p>14 MR. WEISS: Let me object to form. He's asked</p> <p>15 and answered those questions, but go ahead. He asked</p> <p>16 and answered that question, but go ahead.</p> <p>17 THE WITNESS: Again, if there was a significant</p> <p>18 change, I would have to have Village approval, if it</p> <p>19 was a major color change, if that's what you mean.</p> <p>20 BY MS. DALEY SCOTT:</p> <p>21 Q No. I'm asking for any changes. We'll</p> <p>22 just move on.</p> <p>23 Who obtains the taxi licenses for the</p> <p>24 various taxis?</p> | <p style="text-align: right;">Page 40</p> <p>1 Q Blue Cab Company does business in Oak Park,</p> <p>2 correct?</p> <p>3 A It does.</p> <p>4 Q And the accident at issue in this case</p> <p>5 occurred in Oak Park, correct?</p> <p>6 A It did.</p> <p>7 Q Okay. And then the Village of Oak Park --</p> <p>8 the taxicab license for Blue Cab Company is held by</p> <p>9 Blue Cab Company, correct?</p> <p>10 A That is correct.</p> <p>11 Q The driver's in Oak Park do not -- strike</p> <p>12 that.</p> <p>13 The drivers for Blue Cab Company do</p> <p>14 not have to obtain their own taxi licenses in the</p> <p>15 Village of Oak Park; is that correct?</p> <p>16 A They have to obtain their own chauffeurs'</p> <p>17 licenses.</p> <p>18 Q That's per the State of Illinois, or is</p> <p>19 that per Oak Park?</p> <p>20 A Per the Village of Oak Park.</p> <p>21 Q But they do not have their own taxicab</p> <p>22 business license, correct, in the Village of</p> <p>23 Oak Park?</p> <p>24 A That is correct.</p> |
| <p style="text-align: right;">Page 39</p> <p>1 A The taxi license plates are purchased by</p> <p>2 the drivers.</p> <p>3 Q The Village of Oak Park requires taxi</p> <p>4 licenses, correct?</p> <p>5 A That is correct.</p> <p>6 Q Okay. Does Blue Cab have a taxi license,</p> <p>7 sir?</p> <p>8 A Blue Cab has a business license, yes.</p> <p>9 Q Does that business license involve a taxi</p> <p>10 license?</p> <p>11 A It does.</p> <p>12 Q And the various owners of the vehicles, do</p> <p>13 they have to obtain their own licenses from the --</p> <p>14 taxi licenses from the Village of Oak Park?</p> <p>15 A From different villages, yes, not from</p> <p>16 Oak Park, but each village is a little different.</p> <p>17 Q For the Village of Oak Park specifically --</p> <p>18 strike that.</p> <p>19 Blue Cab Company is located within</p> <p>20 Oak Park, correct?</p> <p>21 A They are not.</p> <p>22 Q What village is Blue Cab Company located</p> <p>23 in?</p> <p>24 A Forest Park.</p> | <p style="text-align: right;">Page 41</p> <p>1 Q The owner-operator agreement sets forth</p> <p>2 that the taxi drivers are to adhere to certain</p> <p>3 standards for the reputation of Blue Cab; is that</p> <p>4 correct?</p> <p>5 A That's correct.</p> <p>6 Q What is required of that by Blue Cab for</p> <p>7 its drivers?</p> <p>8 A That Blue Cab has a good image with the</p> <p>9 riding public.</p> <p>10 Q What does that involve?</p> <p>11 A From having a clean car to giving prompt</p> <p>12 service.</p> <p>13 Q Does Blue Cab require that its taxis be</p> <p>14 smoke free?</p> <p>15 A No.</p> <p>16 Q So Blue Cab -- drivers for Blue Cab Company</p> <p>17 are permitted to smoke in their vehicles?</p> <p>18 A It is not something that -- it is their</p> <p>19 vehicle, so they can smoke if they wish in their own</p> <p>20 vehicles.</p> <p>21 Q When a Blue Cab customer is in with the</p> <p>22 driver of the vehicle, are they permitted to smoke in</p> <p>23 their vehicle?</p> <p>24 A It is between the passenger and the driver.</p> |

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1 Q That's not something Blue Cab is concerned
2 about with their reputation?
3 A It is not part of our agreement not to
4 smoke in the car. It is something that we've not
5 come across.
6 Q In regards to prompt service, is that
7 something that Blue Cab asks the drivers who drive
8 for Blue Cab Company to adhere to?
9 A That once a trip is dispatched, that they
10 would go and get the trip.
11 Q What percentage of Blue Cab's business is
12 dispatch versus flagging a fare?
13 MR. WEISS: Object to form and foundation.
14 Go ahead.
15 THE WITNESS: That's all dependent on all the
16 individual drivers. It varies widely by driver.
17 BY MS. DALEY SCOTT:
18 Q Okay. Blue Cab Company provides a dispatch
19 service, correct?
20 A That is correct.
21 Q Okay. Are all the drivers who drive Blue
22 Cab -- strike that.
23 All the drivers who drive vehicles
24 with these Blue Cab decals and the general scheme

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1 that we've talked about, do all of these drivers have
2 access to Blue Cab's dispatch service?
3 A They do.
4 Q Is that part of the owner-operator
5 agreement, sir?
6 A It is.
7 Q And what is involved with providing that
8 dispatch service?
9 A We answer the phone call. We put it into a
10 computer system. The computer will offer a trip to a
11 driver based on where he told the computer he's at.
12 And the driver will either say, yes, he wants it or,
13 no, he doesn't.
14 Q How does the computer offer it to the
15 driver?
16 A The computer knows where the address is
17 from an address database. And from where the driver
18 tells him -- and it knows where the driver is at from
19 what the driver tells it.
20 Q Does the driver have some sort of computer
21 mechanism that this is offered to him within his
22 vehicle?
23 A It is.
24 Q Okay. Can you describe that to me.

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1 A It is called a mobile data terminal.
2 Q What is a mobile data terminal?
3 A It is a device that would allow a driver to
4 communicate with a dispatch software. And a driver
5 would say that he is available for an order or he's
6 not available for an order. He can tell the computer
7 if he wants an order or if he does not want an order.
8 Q Okay. This mobile data terminal, is that
9 installed by Blue Cab Company in these vehicles?
10 A It is.
11 Q And is that only installed after the
12 execution of an owner-operator agreement?
13 A Typically, yes, after they would sign the
14 agreement.
15 Q Okay. And upon the termination of an
16 owner-operator agreement, would that mobile data
17 terminal be removed from that vehicle?
18 A Yes, typically it is removed from that
19 vehicle.
20 Q Would that be removed by Blue Cab Company?
21 A Yes.
22 Q And you said typically that would be
23 removed. When would it not be removed?
24 A It would not be removed if the driver left

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1 the area and we couldn't find it, you know,
2 physically.
3 Q So unless you couldn't track down the
4 vehicle or the driver upon termination of the
5 agreement, that mobile data terminal would be
6 removed, correct?
7 A That is correct.
8 Q Are those mobile data terminals owned by
9 Blue Cab?
10 A They are.
11 Q Okay. Do the drivers simply pay a fee to
12 use them to Blue Cab?
13 A It's part of the dispatch agreement,
14 correct.
15 Q And the mobile data terminal, you said it
16 allows a driver to communicate with dispatch,
17 correct?
18 A Dispatch computer, correct.
19 Q Okay. Is the only dispatch computer that
20 these mobile data terminals that are installed in
21 these Blue Cab Company vehicles, Blue Cab Company
22 decal displaying vehicles, is the only dispatch that
23 those terminals can communicate with is Blue Cab
24 Company's dispatch?

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| <p style="text-align: right;">Page 46</p> <p>1 Does that question make sense?</p> <p>2 A Rephrase it for me. I'm sorry.</p> <p>3 Q The only dispatch computers that these</p> <p>4 mobile data terminals that Blue Cab Company installs</p> <p>5 can communicate with -- actually, strike that.</p> <p>6 That's just bad wording.</p> <p>7 These mobile data terminals that are</p> <p>8 installed by Blue Cab Company, are the only dispatch</p> <p>9 computers that these terminals can interface with</p> <p>10 Blue Cab Company's dispatch computers?</p> <p>11 A Correct.</p> <p>12 Q Okay. So the drivers wouldn't be able to</p> <p>13 get in touch with, say, for example, Yellow Cab</p> <p>14 Company dispatch computers through these data</p> <p>15 terminals?</p> <p>16 A Not through our data terminals, no.</p> <p>17 Q Okay. And do Blue Cab Company's -- strike</p> <p>18 that.</p> <p>19 Do these vehicles that drive Blue Cab</p> <p>20 Company's customers also have a radio installed in</p> <p>21 them?</p> <p>22 A That's how the mobile data terminal works</p> <p>23 is through a two-way radio, correct.</p> <p>24 Q So the two-way radio and this mobile data</p> | <p style="text-align: right;">Page 48</p> <p>1 as to which radio and which mobile data terminal are</p> <p>2 used in these vehicles, correct?</p> <p>3 MR. WEISS: Do you pick which equipment you put</p> <p>4 in the vehicle?</p> <p>5 THE WITNESS: Yes. We have a shelf and we just</p> <p>6 pick one radio and one terminal, and we just put it</p> <p>7 in there, if that's what you mean. It's not --</p> <p>8 BY MS. DALEY SCOTT:</p> <p>9 Q And in regards to the brand of radio or the</p> <p>10 version of the radio that you use, that's something</p> <p>11 Blue Cab decides; the driver does not decide,</p> <p>12 correct?</p> <p>13 A That is correct.</p> <p>14 Q In regards to the mobile data terminal, the</p> <p>15 type of equipment that is used, that is decided by</p> <p>16 Blue Cab Company and not the drivers, correct?</p> <p>17 A That is correct.</p> <p>18 Q Is there a meter in these vehicles?</p> <p>19 A There is.</p> <p>20 Q Okay. And is that installed by Blue Cab</p> <p>21 Company?</p> <p>22 A It is.</p> <p>23 Q Okay. Is that owned by Blue Cab Company?</p> <p>24 A It is.</p> |
| <p style="text-align: right;">Page 47</p> <p>1 terminal are kind of one and the same; am I correct?</p> <p>2 A They're two separate units, but they are</p> <p>3 linked together.</p> <p>4 Q So in regards to the radio -- it's a</p> <p>5 two-way radio you said?</p> <p>6 A That is correct.</p> <p>7 Q And is that installed by Blue Cab Company?</p> <p>8 A It is.</p> <p>9 Q And does Blue Cab Company own those?</p> <p>10 A They do.</p> <p>11 Q And are those only installed after an</p> <p>12 owner-operator agreement is executed?</p> <p>13 A Yes.</p> <p>14 Q And upon termination of an owner-operator</p> <p>15 agreement, save for the extenuating circumstances</p> <p>16 where you cannot find a driver or vehicle as you've</p> <p>17 discussed earlier, those radios would be removed; is</p> <p>18 that correct?</p> <p>19 A That is correct.</p> <p>20 Q And the drivers pay to use these radios</p> <p>21 from Blue Cab Company; is that correct?</p> <p>22 A That is correct.</p> <p>23 Q And in regards to this mobile data terminal</p> <p>24 and these radios, Blue Cab Company makes the decision</p> | <p style="text-align: right;">Page 49</p> <p>1 Q And are the meters, the rates -- strike</p> <p>2 that.</p> <p>3 Who sets the rates on the meter?</p> <p>4 A The villages.</p> <p>5 Q So depending on what village a taxi driver</p> <p>6 goes into, the rates change?</p> <p>7 A Correct. You can have different rates on</p> <p>8 the meters.</p> <p>9 Q So who makes the physical change on the</p> <p>10 meter?</p> <p>11 A The drivers.</p> <p>12 Q Okay. And who gives the drivers -- does</p> <p>13 Blue Cab provide drivers with the copies of the rates</p> <p>14 for the various villages?</p> <p>15 A Correct.</p> <p>16 Q And in regards to those meters, are they</p> <p>17 only installed after an owner-operator agreement is</p> <p>18 executed?</p> <p>19 A That is correct.</p> <p>20 Q And I assume that they are removed upon the</p> <p>21 termination of the owner-operator agreement?</p> <p>22 A Yes, ma'am.</p> <p>23 Q And determining which type of meter is</p> <p>24 used, that is determined by Blue Cab Company and not</p> |

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| <p style="text-align: right;">Page 50</p> <p>1 by the drivers; is that correct?</p> <p>2 A That is correct.</p> <p>3 Q If a driver does something that would</p> <p>4 negatively affect the reputation of Blue Cab Company</p> <p>5 while driving Blue Cab Company customers, would that</p> <p>6 be something that Blue Cab Company would address with</p> <p>7 that driver?</p> <p>8 A Correct.</p> <p>9 Q And that is something that could terminate</p> <p>10 the owner-operator agreement; is that correct?</p> <p>11 A That is correct.</p> <p>12 Q Who has the ability to terminate the</p> <p>13 owner-operator agreement?</p> <p>14 A I would.</p> <p>15 Q Can you -- strike that.</p> <p>16 Do you have to give notice to the</p> <p>17 driver for a specified period of time for termination</p> <p>18 of the owner-operator agreement?</p> <p>19 A I would have to look at the contract but,</p> <p>20 again, I have not done that yet.</p> <p>21 Q Will you look at the contract for me?</p> <p>22 A Sure.</p> <p>23 Q And tell me if you, as manager of</p> <p>24 operations for Blue Cab Company, would have to give</p> | <p style="text-align: right;">Page 52</p> <p>1 Q Subsection (d) says, a violation of</p> <p>2 Paragraph 20 below, as well, correct? And</p> <p>3 Paragraph 20 deals with noncompetition, correct?</p> <p>4 A Correct.</p> <p>5 Q So if a driver of Blue Cab -- a driver who</p> <p>6 drives Blue Cab Company's customers violates the</p> <p>7 noncompetition clause of their owner-operator</p> <p>8 agreement, that would permit Blue Cab to terminate</p> <p>9 the owner-operator agreement immediately, correct?</p> <p>10 A That is correct.</p> <p>11 Q And if you go to Page 1 of the</p> <p>12 owner-operator agreement, Paragraph 4 says that the</p> <p>13 owner/driver shall not use any mark, logo, design or</p> <p>14 name of Blue Cab other than as authorized herein; is</p> <p>15 that correct?</p> <p>16 A Correct.</p> <p>17 Q In regards to the maintenance of the</p> <p>18 vehicles, does Blue Cab Company -- strike that.</p> <p>19 Was Blue Cab Company involved in the</p> <p>20 maintenance of these vehicles?</p> <p>21 A No.</p> <p>22 Q Blue Cab Company did not have any</p> <p>23 requirements for the maintenance of these vehicles?</p> <p>24 A No.</p> |
| <p style="text-align: right;">Page 51</p> <p>1 notice to the driver prior to termination of the</p> <p>2 owner-operator agreement.</p> <p>3 A Yes. It says, No. 19, Termination, yes, I</p> <p>4 would.</p> <p>5 Q Okay. And what type of notice would you</p> <p>6 have to give?</p> <p>7 A It says upon 30 days' written notice.</p> <p>8 Q This also says that you have the right to</p> <p>9 terminate this agreement immediately, right?</p> <p>10 A That is correct.</p> <p>11 Q And in what situations per the</p> <p>12 owner-operator agreement would the agreement be able</p> <p>13 to be terminated immediately by Blue Cab?</p> <p>14 A It looks like if somebody was operating the</p> <p>15 vehicle without the proper licensing or permit.</p> <p>16 Q What else?</p> <p>17 A Didn't make all payments to Blue Cab.</p> <p>18 Q If they fail to make all the payments?</p> <p>19 A Correct.</p> <p>20 Q Okay. What else?</p> <p>21 A Pled guilty for driving under the influence</p> <p>22 of intoxication.</p> <p>23 Q Okay. What else?</p> <p>24 A That's all I see.</p> | <p style="text-align: right;">Page 53</p> <p>1 Q You said that there was -- at the site</p> <p>2 there was an auto repair --</p> <p>3 A That is correct.</p> <p>4 Q -- center?</p> <p>5 What was the auto repair center used</p> <p>6 for?</p> <p>7 A The auto repair center was open to the</p> <p>8 public. It repaired vehicles for private</p> <p>9 individuals, including owner-operators, churches,</p> <p>10 different people.</p> <p>11 Q That auto repair center, what percent --</p> <p>12 strike that.</p> <p>13 Are you involved in any of the</p> <p>14 business from the auto repair center?</p> <p>15 A I am.</p> <p>16 Q Do you see the accounting and review</p> <p>17 reports from the auto repair center?</p> <p>18 A I do.</p> <p>19 Q What percentage of business from the auto</p> <p>20 repair center is from owner-operators of Blue Cab</p> <p>21 Company vehicles?</p> <p>22 A Rough guess would be 25 to 30 percent.</p> <p>23 Q Does Blue Cab Company inspect the vehicles</p> <p>24 that drive Blue Cab Company customers?</p> |

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1 A With the villages, correct, yes.

2 Q Okay. When Blue Cab Company inspects these

3 vehicles, what is Blue Cab Company looking for?

4 A It's the villages that are looking for

5 them and when the Village --

6 Q I'm not asking what the villages are

7 looking for; I'm asking what Blue Cab Company is

8 specifically looking for.

9 A We would make sure that the inspection is

10 what the ordinance reads -- that the vehicle is

11 clean, free from body damage, what is in the Village

12 ordinances.

13 Q And when you refer to Village ordinances as

14 you've done here today, what Village ordinances are

15 you referring to?

16 A The Village of Oak Park, the Village of

17 Forest Park.

18 Q How often are these inspections conducted

19 of these vehicles?

20 A Yearly.

21 Q Where does Blue Cab Company do business?

22 A They do business in the western suburbs.

23 Q What's included within those?

24 A Oak Park, Forest Park, Hillside, Berwyn.

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1 Q Any business within the City of Chicago?

2 A We do not have a City of Chicago business

3 license, if that's what you mean.

4 Q Do you pick up fares from the City of

5 Chicago?

6 A We pick up fares from the City of Chicago

7 going back to a suburb.

8 Q So would that mean dispatch a vehicle to

9 pick up a fare somewhere within the City of Chicago

10 to bring them back to the suburbs; is that correct?

11 A That is correct.

12 Q Are your drivers permitted to pick up fares

13 that are just flag fares? Do you know what I mean by

14 that?

15 A In what -- yes, I do.

16 Q In the City of Chicago?

17 A No, they are not.

18 Q When dealing with inspections, you don't

19 deal with any of the -- you don't concern yourself

20 with any of the ordinances from Hillside or Berwyn;

21 is that correct?

22 A Different suburbs have different

23 regulations. Those typically are not required in the

24 ordinances.

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1 Q In what villages are your drivers permitted

2 to pick up fares that are just flagging a driver?

3 A Again, it all depends on the suburb. Some

4 suburbs have no regulations at all, so it all depends

5 on which suburb.

6 Q Are your drivers allowed to pick up a --

7 and when I say "pick up a fare," I'm talking about

8 someone who's flagging the driver on the street.

9 A Yes, ma'am.

10 Q Are your drivers allowed to pick up a fare

11 in Oak Park?

12 A Yes, ma'am.

13 Q Forest Park?

14 A Yes, ma'am.

15 Q Hillside?

16 A Yes, ma'am.

17 Q Berwyn?

18 A Yes, ma'am.

19 Q Do you also dispatch your drivers to

20 Oak Park?

21 A Excuse me?

22 Q Do you dispatch your drivers to Oak Park?

23 A We do, yes.

24 Q Forest Park?

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1 A Yes, ma'am.

2 Q Hillside?

3 A Yes, ma'am.

4 Q Berwyn?

5 A Yes.

6 Q And any fares from the City of Chicago --

7 just so I'm correct -- are fares that are only

8 dispatched to the City of Chicago for a pickup; is

9 that correct?

10 A That is correct.

11 Q Once a driver -- strike that.

12 Are drivers permitted to give

13 customers their cell phone number to call for a

14 pickup rather than calling in to Blue Cab for the

15 dispatch?

16 A Yes, ma'am. A lot of drivers have their

17 own business cards that they pass out.

18 Q So a driver would be permitted to solicit a

19 client of Blue Cab?

20 A Correct.

21 Q Are drivers permitted to work for other

22 taxi companies while working for Blue Cab or while

23 under this owner-operator agreement?

24 A They may receive calls from other cab

| | |
|--|---|
| <p style="text-align: right;">Page 58</p> <p>1 companies without my knowledge.</p> <p>2 Q Is that permitted per your owner-operator</p> <p>3 agreement?</p> <p>4 A I don't see there's a problem with it.</p> <p>5 Q So you don't have a problem with drivers</p> <p>6 who are driving vehicles with Blue Cab Company decals</p> <p>7 picking up fares from other taxi companies?</p> <p>8 A No.</p> <p>9 Q Does Blue Cab Company provide receipts for</p> <p>10 drivers to give their customers?</p> <p>11 A We provide receipts for the drivers,</p> <p>12 correct.</p> <p>13 Q What do those receipts look like?</p> <p>14 A They have Blue Cab's name on it, phone</p> <p>15 number, and they list the driver's -- they list what</p> <p>16 the fare amount would be so the driver could fill out</p> <p>17 the amount of the fare.</p> <p>18 Q Okay. Does the driver's name appear</p> <p>19 anywhere on that printed form?</p> <p>20 A The drivers have written their names on</p> <p>21 there to pass them out, yes.</p> <p>22 Q But the form that Blue Cab Company provides</p> <p>23 just has Blue Cab's information on it, correct?</p> <p>24 A That is correct.</p> | <p style="text-align: right;">Page 60</p> <p>1 A If we are asked, we can provide agencies</p> <p>2 that can supply that type of insurance for taxicabs,</p> <p>3 yes.</p> <p>4 Q Does Blue Cab provide the names of</p> <p>5 insurance companies who could provide this liability</p> <p>6 insurance for these drivers?</p> <p>7 A We have given the information out, correct.</p> <p>8 Q Okay. Who do you provide -- strike that.</p> <p>9 What company names do you provide to</p> <p>10 these drivers?</p> <p>11 A They may ask us or other drivers, but</p> <p>12 typically we will provide the name and phone number</p> <p>13 of one service that would sometimes come to our</p> <p>14 office to renew their licenses and stuff.</p> <p>15 Q And what service is that?</p> <p>16 A It's called Loquercio Insurance Service or</p> <p>17 Loquercio Services.</p> <p>18 Q Does Blue Cab Company provide any other</p> <p>19 name for insurance services besides Loquercio</p> <p>20 Services or Loquercio Insurance Services?</p> <p>21 A We have -- I have given other names out if</p> <p>22 the people did not want to go to Loquercio.</p> <p>23 Q What other names?</p> <p>24 A One is Princeton Insurance, Kropp</p> |
| <p style="text-align: right;">Page 59</p> <p>1 Q Blue Cab sets forth the minimum amount of</p> <p>2 liability insurance that the drivers of these</p> <p>3 vehicles must carry, correct?</p> <p>4 MR. WEISS: Object to form.</p> <p>5 THE WITNESS: I believe it's the State of</p> <p>6 Illinois that sets that.</p> <p>7 BY MS. DALEY SCOTT:</p> <p>8 Q Does Blue Cab require the drivers that</p> <p>9 drive Blue Cab customers and that drive these</p> <p>10 vehicles with these Blue Cab decals on them to carry</p> <p>11 liability insurance?</p> <p>12 A We do.</p> <p>13 Q Does Blue Cab require them to carry a</p> <p>14 minimum amount of liability insurance?</p> <p>15 A Yes. We require them to carry the State</p> <p>16 requirements.</p> <p>17 Q Which is what?</p> <p>18 A 250,000.</p> <p>19 Q Does the driver have to provide Blue Cab</p> <p>20 with verification of this liability insurance?</p> <p>21 A Yes, they do.</p> <p>22 Q Does Blue Cab provide these drivers with</p> <p>23 the names of companies who could provide this</p> <p>24 liability insurance?</p> | <p style="text-align: right;">Page 61</p> <p>1 Insurance, are the two that come to mind.</p> <p>2 Q Do those come out to Blue Cab Company's</p> <p>3 facilities?</p> <p>4 A They do not.</p> <p>5 Q Is Loquercio Services permitted to come out</p> <p>6 to Blue Cab Company's facilities to either renew or</p> <p>7 sign up drivers for insurance purposes?</p> <p>8 A Renewal purposes, yes, they are allowed.</p> <p>9 Q Who maintains the computer, meter and</p> <p>10 two-way radios that are installed in these vehicles?</p> <p>11 A Blue Cab does.</p> <p>12 Q So if a driver was having any problems with</p> <p>13 their radio, computer -- or it's not a computer --</p> <p>14 the radio, the mobile data terminal or their meter,</p> <p>15 that would be something that Blue Cab would fix?</p> <p>16 A That is correct.</p> <p>17 Q Can these drivers of these vehicles permit</p> <p>18 another driver to drive Blue Cab customers in their</p> <p>19 vehicle?</p> <p>20 A Yes.</p> <p>21 Q And is that permissible under the Blue Cab</p> <p>22 Company owner-operator agreement with them?</p> <p>23 A Yes.</p> <p>24 Q Are there any restrictions on that?</p> |

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| <p style="text-align: right;">Page 62</p> <p>1 A That they just have the proper chauffeurs' 2 licenses. 3 Q Do they have to provide those names to Blue 4 Cab Company before? 5 A They have to show that, in order to get a 6 trip, that they have the proper licensing. 7 Q And do they have to show that to Blue Cab? 8 A The owner of the car does not; the driver 9 who will be driving any vehicle would have to show us 10 that. 11 Q So any person that drives a vehicle with 12 Blue Cab's decals on them and drives Blue Cab's 13 customers would need to show Blue Cab that they have 14 the proper chauffeur's license; is that correct? 15 A That is correct. 16 Q Sir, in regards to the accident that 17 occurred that is the subject matter of this 18 litigation, you said you heard from dispatch; is that 19 correct? 20 A Someone, yes, informed me through dispatch. 21 Q Okay. Did you go to the scene of the 22 accident? 23 A I did not. It happened on a weekend. 24 Q Did somebody call you from dispatch, or</p> | <p style="text-align: right;">Page 64</p> <p>1 Mr. McFadden at the hospital? 2 A I did. 3 Q And what did you discuss with Mr. McFadden? 4 A I asked him how he was. I asked him what 5 happened. 6 Q Did he say how he was doing? 7 A He showed me some bruises and stuff that he 8 had. He looked like he was in bad shape. And that 9 was about it. 10 Q What did he say about the accident? 11 A He told me that he blacked out, I believe 12 he said. He doesn't know what happened after that. 13 Q What else did he say? 14 A That was it. 15 Q Did he tell you -- strike that. 16 What else did you discuss with him? 17 A That was it. 18 Q Did you discuss the taxicab that day? 19 A I believe we did not, no. 20 Q Did you ask -- strike that. 21 You didn't ask Mr. McFadden at that 22 time what happened to the taxicab? 23 A I did not. 24 Q How long were you at the hospital that day</p> |
| <p style="text-align: right;">Page 63</p> <p>1 were you at the office? 2 A When I arrived Monday, someone told me at 3 the office. 4 Q So you were not made aware of this accident 5 on the day of the accident; is that correct? 6 A That is correct. 7 Q And when you got in the office Monday and 8 you heard about this accident, what did you do? 9 A I heard that it was a bad accident. I 10 asked if anybody went to the hospital, and they said 11 there was an ambulance that was taking people away. 12 Q Who said that? 13 A One of the dispatchers said, yeah, some 14 people went to the hospital. 15 Q Okay. Then what? 16 A I proceeded to call hospitals to find out 17 which hospital McFadden may be in. 18 Q Okay. 19 A Found out which hospital he was in, and I 20 went to see him. 21 Q And did you go to see him that Monday? It 22 would have been the 25th. 23 A Either Monday or Tuesday. 24 Q Okay. Did you, in fact, get to see</p> | <p style="text-align: right;">Page 65</p> <p>1 with Mr. McFadden? 2 A 15, 20 minutes maybe, not long. 3 Q Okay. Did you see the police report in 4 this matter? 5 A I did not, no. 6 Q So as you sit here today, you've never seen 7 the police report? 8 A I saw the police report in the deposition 9 that he had, if that's what you mean, yes, I'd seen 10 it then. 11 Q But prior to reading Mr. McFadden's 12 deposition, you never saw the police report? 13 A No, I did not. 14 Q Okay. After the initial visit with 15 Mr. McFadden, did you at some point go to see 16 Mr. McFadden again? 17 A I did not, no. 18 Q Did you at some point talk to Mr. McFadden 19 on the phone? 20 A I believe -- it's hard to remember if it 21 was his sister or sister-in-law -- I'm not sure -- a 22 relative of his I may have been in contact with or 23 him or both possibly. 24 Q What was that regarding?</p> |

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1 A I truly can't remember. Maybe them asking
 2 me how -- telling me how he was doing. Nothing in
 3 particular that I can remember.
 4 Q After the date of the accident, did you
 5 ever have a conversation with Mr. McFadden about the
 6 taxicab involved?
 7 A I did.
 8 Q When was that?
 9 A I believe it's when he got out of the
 10 hospital, a few days later after he got out. I think
 11 he actually came to our location the day he got out
 12 of the hospital.
 13 Q Okay. And what did you discuss with him?
 14 A About retrieving the equipment out of the
 15 vehicle.
 16 Q Did he ask you about it, or did you ask him
 17 about it?
 18 A No. I asked him about it, how I can get
 19 the equipment back out of the vehicle. Well,
 20 actually, I told him that this is how -- we have to
 21 get the equipment out of the vehicle and that the
 22 equipment is at O'Hare Towing or the vehicle is at
 23 O'Hare Towing.
 24 Q At some point in time did you learn that

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1 the vehicle was totaled?
 2 A Yes. I think it was O'Hare Towing that
 3 told us it was totaled.
 4 Q How did you learn that the vehicle was at
 5 O'Hare Towing?
 6 A I would have most likely called Oak Park
 7 Police to find out where they would have towed a
 8 vehicle that was in an accident.
 9 Q Okay. Do you remember that, or is that
 10 just what you think you did?
 11 A I'm sure that's what I would have done
 12 because I know I would want to secure the equipment
 13 in the vehicle if it was totaled.
 14 Q Okay. And so Mr. McFadden came to Blue Cab
 15 Company's office --
 16 A Uh-huh.
 17 Q -- in Forest Park and you discussed
 18 obtaining equipment; is that correct?
 19 A Correct. I believe I may have told him
 20 that in order to get the equipment, O'Hare Towing
 21 would want the title to the vehicle.
 22 Q Okay. And what did he say?
 23 A He said fine. A few days later, I believe
 24 it was a relative dropped off the title at our

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1 facility to us.
 2 Q Okay. And was that title signed over to
 3 you?
 4 A It was not.
 5 Q And did you, in fact, go to O'Hare Towing?
 6 A M&C Motors, one of the mechanics went with
 7 me, yes.
 8 Q Did you provide them with the title for the
 9 vehicle?
 10 A We did.
 11 Q And what transpired then?
 12 A They allowed us to go into the yard and to
 13 remove the equipment.
 14 Q Did you give them title to this vehicle?
 15 A I handed over the title that Mr. McFadden
 16 handed to me.
 17 Q Was it the original title of the vehicle?
 18 A It was.
 19 Q So they became -- strike that.
 20 Did you receive any paperwork back
 21 from O'Hare Towing at the time?
 22 A I don't recall, no.
 23 Q Do you know what happened to that vehicle?
 24 A I do not.

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1 Q When you said you removed the equipment,
 2 what did you remove from the vehicle exactly that
 3 day, or what did your mechanic remove from the
 4 vehicle that day?
 5 A Any equipment that would have been ours --
 6 the radio, terminal, meter.
 7 Q What about the taxi light on top of the
 8 vehicle?
 9 A Probably not. It's not that valuable.
 10 Q What about the decals?
 11 A No. We would not retrieve those either.
 12 Q Do you know whether the decals on this
 13 vehicle were removable decals or not?
 14 A I believe they were not, no.
 15 Q And today your counsel brought for us a
 16 document from M&C Motors. Is this from -- strike
 17 that.
 18 Can you tell me what this document is?
 19 A It's the invoice to go retrieve the
 20 equipment.
 21 Q And that was the equipment we just
 22 discussed, correct?
 23 A Yes, ma'am.
 24 Q Did you ever see this vehicle again after

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1 that date?

2 A I did not.

3 Q Did Mr. McFadden ever drive for Blue Cab

4 Company after this date?

5 A He did not.

6 Q Or after the date of this accident? Excuse

7 me.

8 A He did not.

9 Q Have you ever spoken to Mr. McFadden since

10 the day he arrived at Blue Cab Company when you told

11 him that you needed to retrieve the radio and the

12 equipment from the vehicle?

13 A I have not.

14 MS. DALEY SCOTT: Give me a minute.

15 BY MS. DALEY SCOTT:

16 Q Do you know whether Mr. McFadden -- strike

17 that.

18 The day of the accident, the fare that

19 Mr. McFadden picked up, do you have any knowledge

20 about that fare?

21 A None that -- just what's in our computer

22 system.

23 Q And what is in your computer system

24 regarding that fare?

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1 A Just the information where she was being

2 picked up and taken to.

3 Q So was this fare that was involved in the

4 accident, was that a fare that somebody had called in

5 to Blue Cab?

6 A That is correct.

7 Q So Ms. Washington-Sanders called Blue Cab

8 that day, correct?

9 A That is correct.

10 Q And she asked to be picked up someplace; is

11 that correct?

12 A That is correct.

13 Q Where did she ask to be picked up?

14 A I believe it was Midway Airport.

15 Q Okay. And the dispatch service received

16 that call and put that call into your computer

17 system; is that correct?

18 A That is correct.

19 Q And Mr. McFadden was sent the information

20 for that dispatch or that fare; is that correct?

21 A That is correct.

22 Q And Mr. McFadden agreed to go pick up that

23 fare from Midway; is that correct?

24 A That is correct.

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1 Q And he was provided all the information

2 regarding this fare from Blue Cab Company; is that

3 correct?

4 A That is correct.

5 Q Would Blue Cab Company have provided him

6 with the name of the person he was picking up?

7 A That is required by the -- yes, they would

8 be.

9 Q Okay. Does Blue Cab Company provide him

10 with a phone number for the fare?

11 A No.

12 Q Is that something that Blue Cab Company

13 would retain in their system if they needed to get

14 back in touch with the fare?

15 A That is correct.

16 Q So Blue Cab Company would provide

17 Mr. McFadden with the name of the person and the

18 location of the fare; is that correct?

19 A That is correct.

20 Q Okay. And Blue Cab Company, in fact, did

21 so in this situation, correct?

22 A I'm sorry. Can you say that again. I

23 missed that.

24 Q Blue Cab Company, in fact, did so provide

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1 Ms. Washington-Sanders' name and location to

2 Mr. McFadden on September 23, 2007, correct?

3 A That is correct.

4 Q Sir, I have here some printouts from Blue

5 Cab Company's Web site. Could you please review them

6 for me. And the date is a little bit cut off, but

7 I'll represent that it's from August of 2008, these

8 printouts. If you could please let me know whether

9 or not these are, in fact, printouts of what was

10 displayed on Blue Cab Company's Web site and if it is

11 all true and correct to your knowledge.

12 MR. WEISS: I'm sorry. Go ahead and look at

13 that.

14 Are you saying this printout is from

15 August of '08?

16 MS. DALEY SCOTT: Yes.

17 MR. WEISS: So the question is whether or not

18 this is how the Web site looked in August of '08.

19 MS. DALEY SCOTT: Right, if he has any dispute

20 with that.

21 MS. ROZICH: Is that going to be marked as

22 Exhibit 2?

23 MS. DALEY SCOTT: Yes. We can mark that as

24 Exhibit -- let's mark that as Exhibit 3. We'll do

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1 this M&C Motors as Exhibit 2.
 2 (Whereupon, Bennett Deposition
 3 Exhibit Nos. 2-3 were marked
 4 for identification.)
 5 THE WITNESS: Yes, ma'am, it is.
 6 BY MS. DALEY SCOTT:
 7 Q And under Services that Blue Cab provides,
 8 it states that Blue Cab offers -- strike that -- that
 9 Blue Cab offers taxicab service; is that correct?
 10 A That is correct.
 11 Q And then it also lists Blue Cab airport
 12 rates; is that correct?
 13 A That is correct.
 14 Q It's listed for Midway Airport; is that
 15 correct?
 16 A That is correct.
 17 Q And it also has a portion where you can
 18 fill out the form and indicate whether you're
 19 applying for a driver position or office position; is
 20 that correct?
 21 A That is correct.
 22 Q And for the contact information, it lists
 23 Blue Cab's address, phone number, fax and E-mail for
 24 Blue Cab Company, correct?

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1 A That is correct.
 2 Q Nowhere on Blue Cab's Web site does it
 3 provide any individual driver information; is that
 4 correct?
 5 A That is correct.
 6 Q On the day of the accident, do you know
 7 whether Ms. Washington-Sanders specifically requested
 8 Mr. McFadden as her driver?
 9 A My assumption would be she did not.
 10 Q How many taxis in September of 2007 did
 11 Blue Cab have driving its customers?
 12 A I would say approximately 85.
 13 Q And how does a Blue Cab -- does Blue Cab
 14 Company pay these drivers at all?
 15 A It does not.
 16 Q And do the drivers pay Blue Cab Company for
 17 the usage of the vehicles?
 18 A They pay Blue Cab for the dispatch
 19 services, correct.
 20 Q What is contained within that dispatch
 21 service?
 22 A Fares, the equipment.
 23 Q Okay. So how much do drivers pay for that
 24 service?

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1 A 195.
 2 Q A week?
 3 A That is correct.
 4 Q And that involves the use of the equipment?
 5 A Correct.
 6 Q And that involves the use of the dispatch
 7 service for, you know, dispatching drivers to various
 8 fares; is that correct?
 9 A That is correct.
 10 Q Does that fee change if a driver chooses
 11 not to utilize the actual dispatch service and just
 12 pick up fares off the street?
 13 A No, it does not.
 14 Q When a taxicab needs to be towed, do the
 15 drivers call Blue Cab Company?
 16 A They do not.
 17 Q Is Blue Cab involved at all in the towing
 18 of Blue Cabs?
 19 A No.
 20 Q Blue Cab requires that these vehicles be
 21 well maintained and clean, correct?
 22 A That is correct.
 23 MS. DALEY SCOTT: All right. I think I'm just
 24 about done.

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1 BY MS. DALEY SCOTT:
 2 Q Are the drivers required to operate their
 3 vehicles in a safe manner?
 4 A Yes.
 5 MR. WEISS: Object to form.
 6 Go ahead.
 7 THE WITNESS: Yes, ma'am.
 8 BY MS. DALEY SCOTT:
 9 Q And anywhere on Blue Cab Company -- strike
 10 that.
 11 Anywhere on any of these vehicles that
 12 transport Blue Cab customers, whether it's on the
 13 exterior or the interior, is there anything that
 14 indicates where a customer should call for any
 15 complaints or concerns or anything along those lines?
 16 A No, ma'am.
 17 Q Would a driver be allowed to paint a phone
 18 number on the outside of the taxicab?
 19 A We do have drivers that have their own
 20 phone numbers on the cabs, correct.
 21 Q On the exterior of the taxicab?
 22 A That is correct.
 23 Q And that's permitted by Blue Cab?
 24 A It is.

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1 Q How many vehicles have that out of your 85,
2 fleet of 85?

3 A There might be four.

4 Q Is Blue Cab Company's name and number still
5 displayed on those vehicles?

6 A It is.

7 Q And per the owner-operator agreement,
8 that's permitted?

9 A We allow it, yes.

10 Q Blue Cab Company has the ability to refuse
11 to let a driver drive a vehicle with Blue Cab's
12 decals, paintings on it; is that correct?

13 A Can you rephrase that. I'm sorry.

14 Q If a driver does not have a chauffeur's
15 license, Blue Cab can refuse to allow them to drive
16 one of the vehicles with Blue Cab's decals on it,
17 correct?

18 A That is correct.

19 Q And would Blue Cab remove the decals in
20 that situation?

21 A No, we would not remove the decals.

22 Q Would you remove the equipment from the
23 inside of the vehicle?

24 A Again, this is the owner of the cab. We

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1 would not permit any dispatch trips going to that
2 driver.

3 Q So they would be permitted to keep the
4 meter and the radio and the computer or the terminal
5 in the car?

6 A Well, if they were doing something illegal,
7 then we would ask for that equipment back and that
8 would be considered illegal to operate a cab without
9 their chauffeurs' licenses.

10 Q Does Blue Cab allow the vehicle drivers to
11 use -- allow their customers to use credit cards to
12 pay for these fares?

13 A Yes, ma'am. But they -- yes, they do.

14 Q What else were you going to say?

15 A The drivers have their own credit card
16 processing in their own cars.

17 Q And who provides that?

18 A They can provide their own, or we can
19 provide it for them.

20 Q For your fleet of 85, how many of the
21 vehicles do you provide them for?

22 A 95 percent.

23 Q And are Blue Cab vehicles -- are these
24 vehicles that drive Blue Cab customers required to

Page 80

1 have the capability to allow a customer to pay with a
2 credit card?

3 A It's in the ordinance that they have to
4 take a credit card.

5 Q So if a driver refused to take a credit
6 card, that would be -- strike that.

7 A driver cannot refuse to take a
8 credit card for a Blue Cab customer; is that correct?

9 A That would be in violation of the
10 ordinance, correct.

11 MS. DALEY SCOTT: I think that's all I have for
12 you right now, sir. Thank you for your time. I may
13 have a few questions for you after counsel asks you
14 some questions.

15 THE WITNESS: Thank you.

16 MR. WEISS: Do you have any questions? No?
17 Jim, let me ask you a couple
18 questions.

19 EXAMINATION
20 BY
21 MR. WEISS:
22 Q The essence of the agreement that you have
23 with the owner-operator is that they pay you a fee, a
24 weekly fee and, in turn, they receive calls for

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1 people who want to be picked up by Blue Cab, true?

2 A That is correct.

3 Q So the reason why you don't care,
4 hypothetically, if a driver were to pick up also from
5 Yellow Cab is as long as they pay the 195 a month --
6 a week, they could drive for whatever cab companies
7 they wanted to drive for, true?

8 A That is correct.

9 Q It wouldn't behoove an operator to get --
10 strike that.

11 Blue Cab doesn't tell its
12 owner-operators when to work, true?

13 A True.

14 Q Where to drive, true?

15 A True.

16 Q What time they start or what time they
17 finish, right?

18 A True.

19 Q Does Blue Cab share in profits or losses
20 with the owner-operators?

21 A We do not.

22 Q Does Blue Cab pay any wages to the
23 owner-operators?

24 A We do not.

| | |
|--|---|
| <p style="text-align: right;">Page 82</p> <p>1 Q Does Blue Cab withhold any taxes from</p> <p>2 anything that is given to the owner-operators?</p> <p>3 A We do not.</p> <p>4 Q The restrictions that are on Blue Cab</p> <p>5 owner-operators are generally set by either the</p> <p>6 State -- for example, insurance, right?</p> <p>7 A That is correct.</p> <p>8 Q Or in terms of the Village -- or by the</p> <p>9 Village when we're talking about meter rates,</p> <p>10 restrictions on travel or inspections, true?</p> <p>11 A That is correct.</p> <p>12 Q So Blue Cab basically mirrors the State</p> <p>13 and/or individual Village requirements in setting the</p> <p>14 dictates on its owner-operators; is that fair?</p> <p>15 A That is correct.</p> <p>16 Q M&C Motors -- M&C Motors, Inc., is the name</p> <p>17 of the garage that is attached to the corporate</p> <p>18 office for Blue Cab Company, true?</p> <p>19 A That is correct.</p> <p>20 Q They are two separate companies, true?</p> <p>21 A They are.</p> <p>22 Q And an owner-operator of a Blue Cab is not</p> <p>23 required to have any work whatsoever done at</p> <p>24 M&C Motors, true?</p> | <p style="text-align: right;">Page 84</p> <p>1 A True.</p> <p>2 Q How much they pay for gas?</p> <p>3 A True.</p> <p>4 Q How many hours in a particular day they</p> <p>5 might work or in a week they might work, true?</p> <p>6 A True.</p> <p>7 Q If an owner-operator paid you 195 for the</p> <p>8 weekly fee and then decided never to drive, it</p> <p>9 wouldn't make any difference to you, true?</p> <p>10 A True.</p> <p>11 Q Similarly if somebody paid you 195 and</p> <p>12 worked 75 hours a week, again, it wouldn't matter to</p> <p>13 you, true?</p> <p>14 A True.</p> <p>15 Q That's because you do not share in any</p> <p>16 profits or losses or any income that he earns or</p> <p>17 revenue he earns from the fares, true?</p> <p>18 A True.</p> <p>19 Q You just simply give them to him and if he</p> <p>20 takes them, great; if he decides not to take them,</p> <p>21 that's okay too?</p> <p>22 A True.</p> <p>23 Q Similarly with the removable decals you</p> <p>24 talked about, if an owner wants to have the decals</p> |
| <p style="text-align: right;">Page 83</p> <p>1 A That is correct.</p> <p>2 Q The -- strike that.</p> <p>3 We're looking at Exhibit No. 1, the</p> <p>4 owner-operator agreement. Under Paragraph 11, it is</p> <p>5 the intent of Blue Cab to create an independent</p> <p>6 contractor relationship with its individual</p> <p>7 owner-operators, true?</p> <p>8 A That is correct.</p> <p>9 Q Do you as Blue Cab's -- you're secretary of</p> <p>10 Blue Cab; is that your title?</p> <p>11 A That is correct.</p> <p>12 Q And the operations manager?</p> <p>13 A That's correct.</p> <p>14 Q Do you as the operations manager or</p> <p>15 secretary of Blue Cab consider any of the</p> <p>16 owner-operators to be one of your employees?</p> <p>17 A We do not.</p> <p>18 Q And that feeds into the idea that we just</p> <p>19 talked about which is you really don't control when</p> <p>20 they work, where they work, how much they work, what</p> <p>21 they earn, et cetera, true?</p> <p>22 A That is correct.</p> <p>23 Q You also do not control where they buy gas,</p> <p>24 true?</p> | <p style="text-align: right;">Page 85</p> <p>1 that say Blue Cab and then when he stops working on</p> <p>2 an individual night yank them off and just drive</p> <p>3 around in his car as a normal car, that doesn't</p> <p>4 matter to you one way or the other, true?</p> <p>5 A True.</p> <p>6 MR. WEISS: I think that's all I have.</p> <p>7 MS. DALEY SCOTT: I just have a few more.</p> <p>8 FURTHER EXAMINATION</p> <p>9 BY</p> <p>10 MS. DALEY SCOTT:</p> <p>11 Q In regards to the removable decals, would</p> <p>12 it matter to you if an owner took off those decals</p> <p>13 and went around picking up fares for Blue Cab?</p> <p>14 A That would be against the ordinance, I</p> <p>15 imagine, yes. That would be a problem. He could</p> <p>16 pick up his own fares.</p> <p>17 Q And that would be against the</p> <p>18 owner-operator agreement as well, right?</p> <p>19 A Correct. If he drove around, he would be</p> <p>20 in violation of the ordinance.</p> <p>21 Q But also in violation of your</p> <p>22 owner-operator agreement, right?</p> <p>23 A Correct.</p> <p>24 Q In regards to M&C Motors, Inc., do you work</p> |

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1 for them?

2 A I do.

3 Q So what is your position at M&C Motors,

4 Inc.?

5 A Same. Manager.

6 Q Of operations?

7 A Yes.

8 Q And secretary?

9 A Yes, ma'am.

10 Q How long have you worked for them?

11 A About the same amount of time. They've

12 been around -- all the corporations have been around

13 for a long time, same time.

14 Q Besides M&C Motors, Inc., and Blue Cab

15 Company, any other corporations that you work for,

16 any other jobs that you have?

17 A Northwest Package Delivery.

18 Q What's Northwest Package Delivery?

19 A It is a delivery service.

20 Q What's your role there?

21 A Same as Blue Cab.

22 Q Manager of operations and secretary?

23 A That is correct.

24 Q Who owns Blue Cab Company?

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1 A Jerilyn Ugaste.

2 Q And she's also the president of Blue Cab

3 Company; is that correct?

4 A That is correct.

5 Q And CEO of Blue Cab Company?

6 A Correct.

7 Q Who owns M&C Motors, Inc.?

8 A Jerilyn Ugaste.

9 Q Who's the president of M&C Motors, Inc.?

10 A Jerilyn Ugaste.

11 Q CEO of M&C Motors, Inc.?

12 A Jerilyn Ugaste.

13 Q Same questions for Northwest Package

14 Delivery. Who owns it?

15 A Same, Jerilyn Ugaste.

16 Q She is also the CEO and president; is that

17 correct?

18 A That is correct.

19 Q Are there any other senior level employees

20 for these three corporations besides yourself and

21 Jerilyn?

22 A No.

23 Q Do any of the employees for Blue Cab

24 Company also work for -- this is besides you and

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1 Jerilyn -- also work for M&C Motors --

2 A Yes.

3 Q -- Incorporated?

4 A Yes.

5 Q Who works for both?

6 A The accounting staff.

7 Q And how many people are in the accounting

8 staff?

9 A One.

10 Q Who is that?

11 A Lisa.

12 Q Lisa?

13 A Maritato.

14 Q Okay. And does Lisa also work for

15 Northwest Package Delivery?

16 A Yes.

17 Q And is she in accounting as well?

18 A That is correct.

19 Q Is she the only accounting person for

20 Northwest Package Delivery?

21 A There is one more person that helps out,

22 Joyce Ryan.

23 Q And does Joyce work for M&C Motors, Inc.,

24 or Blue Cab as well?

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1 A Yes.

2 Q So Joyce Ryan and Lisa Maritato work for

3 Northwest Package Delivery, M&C Motors and Blue Cab

4 Company?

5 A That's correct.

6 Q And they handle the accounting for all

7 three corporations; is that correct?

8 A That is correct.

9 Q Do you know -- are you paid separately by

10 M&C Motors and Northwest Package Delivery and Blue

11 Cab?

12 A No. There's a master payroll.

13 Q There's a master payroll for all three --

14 employees of all three corporations?

15 A Yes.

16 Q Do you see the accounting for this master

17 payroll?

18 A I do.

19 Q Do you see the accounting for all three

20 corporations?

21 A I do.

22 Q This master payroll, is it paid out of the

23 same account for all three corporations?

24 A It is.

| | |
|---|---|
| <p style="text-align: right;">Page 90</p> <p>1 Q So it's the same bank account that pays</p> <p>2 employees of all three corporations; is that correct?</p> <p>3 A That is correct.</p> <p>4 Q Do you know whether it is one bank account</p> <p>5 for all the profits for all three corporations?</p> <p>6 A It is not.</p> <p>7 Q Can you explain to me how it works then,</p> <p>8 that one master bank account pays for all the</p> <p>9 employees and -- are there separate bank accounts for</p> <p>10 each corporation?</p> <p>11 A Correct, separate bank accounts for each</p> <p>12 corporation.</p> <p>13 Q Okay. Then how does it work that all the</p> <p>14 employees get paid out of one bank account?</p> <p>15 A Based on the percentage of what each</p> <p>16 corporation owes for payroll, that money would be</p> <p>17 deposited into the account to make payroll.</p> <p>18 Q What percentage does each company have for</p> <p>19 payroll?</p> <p>20 A Blue Cab being 80 percent, 20 probably for</p> <p>21 each of the other companies -- I'm sorry -- 10 or</p> <p>22 15 percent, so it's very small.</p> <p>23 Q And is that just -- is that money</p> <p>24 contributed for each payroll, or on what basis --</p> | <p style="text-align: right;">Page 92</p> <p>1 Q Okay. And in what capacity do you sign the</p> <p>2 checks?</p> <p>3 A As an officer of the corporations.</p> <p>4 Q Are all three corporations' names listed on</p> <p>5 the check?</p> <p>6 A No.</p> <p>7 Q What corporation's name is listed on the</p> <p>8 check?</p> <p>9 A M&C Motors.</p> <p>10 Q So M&C Motors is the -- strike that.</p> <p>11 What corporation is listed on the bank</p> <p>12 account as the holder of the bank account?</p> <p>13 A M&C Motors.</p> <p>14 Q So Blue Cab Company does not issue payroll</p> <p>15 checks; is that correct?</p> <p>16 A It does not, correct.</p> <p>17 Q Northwest Package Delivery does not issue</p> <p>18 payroll checks; is that correct?</p> <p>19 A That is correct.</p> <p>20 Q So in regards to insurance, does Blue Cab</p> <p>21 Company, M&C Motors and Northwest Package Delivery</p> <p>22 all have liability insurance?</p> <p>23 A They do.</p> <p>24 Q Do they each hold separate policies of</p> |
| <p style="text-align: right;">Page 91</p> <p>1 what frequency, I should say, is that money</p> <p>2 contributed to the master bank account?</p> <p>3 A We have payroll every two weeks, if that's</p> <p>4 what you mean.</p> <p>5 Q So money is taken out of these three</p> <p>6 corporations' separate bank accounts every two weeks</p> <p>7 and put into the master payroll account?</p> <p>8 A That is correct.</p> <p>9 Q Is there money that's left over in this</p> <p>10 master payroll account that's held there on a</p> <p>11 continual basis?</p> <p>12 A No, ma'am.</p> <p>13 Q Does one bank hold all the accounts for all</p> <p>14 three of these corporations?</p> <p>15 A It does.</p> <p>16 Q And does that same bank have the master</p> <p>17 payroll account?</p> <p>18 A It does.</p> <p>19 Q And on the checks that pay all the</p> <p>20 employees, who signs the checks?</p> <p>21 A I can sign the check; Jerilyn can sign the</p> <p>22 check.</p> <p>23 Q Who does for payroll?</p> <p>24 A Typically I sign the checks.</p> | <p style="text-align: right;">Page 93</p> <p>1 insurance?</p> <p>2 A I believe it's one -- one master one.</p> <p>3 Q That covers all three corporations?</p> <p>4 A Correct.</p> <p>5 Q Do you know whether that's the policy that</p> <p>6 you've produced in this case through your counsel?</p> <p>7 A That is correct.</p> <p>8 Q So Northwest Package Delivery doesn't have</p> <p>9 a separate policy than the one that was produced in</p> <p>10 this case?</p> <p>11 A Correct.</p> <p>12 Q Does M&C Motors, Incorporated, have</p> <p>13 separate corporation papers filed with the State?</p> <p>14 A They do.</p> <p>15 Q And does Northwest Package Delivery?</p> <p>16 A They do.</p> <p>17 MS. DALEY SCOTT: I think that's all I have for</p> <p>18 you.</p> <p>19 MR. WEISS: Couple of quick ones.</p> <p>20 FURTHER EXAMINATION</p> <p>21 BY</p> <p>22 MR. WEISS:</p> <p>23 Q The individual owner-operators of the Blue</p> <p>24 Cabs only deal with Blue Cab Company, true?</p> |

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1 A That is correct.

2 Q They do not provide any services whatsoever

3 for M&C Motors or Northwest Package Delivery, true?

4 A That's correct.

5 Q And if an operator wanted to have his car

6 serviced at M&C Motors, he would be required to pay

7 M&C directly, true?

8 A That is correct.

9 Q He wouldn't make a payment to Blue Cab or

10 to Northwest Package?

11 A Correct.

12 Q Similarly if somebody wants a package

13 delivered, they only do business with Northwest

14 Package, not with Blue Cab Company or M&C Motors,

15 true?

16 A Correct.

17 Q You were asked a hypothetical about

18 somebody coming -- someone removing decals but still

19 driving around looking for fares.

20 A Right.

21 Q Although that could possibly happen, that's

22 totally nonsensical; don't you agree?

23 A I agree, yes.

24 MS. DALEY SCOTT: Objection.

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1 BY MR. WEISS:

2 Q The reason why is because if someone's

3 paying you 195 bucks to get the dispatch, they would

4 turn on their machine, drive around like a Blue Cab

5 and get dispatch or get people in the street, right?

6 A That's correct.

7 Q It wouldn't make much sense for someone to

8 take off the decals and then still try to be a cab,

9 right?

10 A Correct.

11 Q And we should get this clear, too: When a

12 cabdriver starts -- let's say he wants to start

13 driving on a day at 7:00 a.m., how does he notify

14 Blue Cab that he's up and running?

15 A He logs onto the computer and lets them

16 know he's available for orders.

17 Q So it wouldn't make much sense again for an

18 operator not to turn on the computer or log in if

19 he's trying to earn money, right?

20 A Correct.

21 Q Because he's paying 195 to you anyway; he

22 might as well get the benefit of dispatch services as

23 long as he wants to drive. Do you agree with that?

24 A That's correct.

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1 Q And he, again, is entitled to drive as much

2 or as little as he wants to; it doesn't matter to you

3 one way or the other?

4 A That's correct.

5 MR. WEISS: That's all.

6 MS. ROZICH: Nothing.

7 MR. WEISS: Signature will be reserved.

8 FURTHER DEPONENT SAITH NAUGHT . . .

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1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF COOK)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

5 COUNTY DEPARTMENT - LAW DIVISION

6 ROSE M. WASHINGTON-SANDERS,)

7)

8 Plaintiff,)

9)

10 vs.) No. 07 L 13584

11)

12 THOMAS McFADDEN, Individually)

13 and as an Agent and/or Employee)

14 of BLUE CAB CO., INC.; and BLUE)

15 CAB CO., INC., an Illinois)

16 corporation,)

17)

18 Defendants.)

19

20 This is to certify that I have read the

21 transcript of my deposition taken on the 26th day of

22 July 2010 in the foregoing cause, and that the

23 foregoing transcript accurately states the questions

24 asked and the answers given by me, with the changes

or corrections, if any, made on the Errata Sheet(s)

attached hereto.

JAMES BENNETT

Subscribed and sworn to

before me this _____ day

of _____ 2010.

Notary Public

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF COOK)
3
4 Jean M. Plomin being first duly sworn on
5 oath, says that she is a Certified Shorthand
6 Reporter, that she reported in shorthand the
7 testimony given at the taking of said deposition and
8 that the foregoing is a true and correct transcript
9 of her shorthand notes so taken as aforesaid and
10 contains all the testimony given by the deponent at
11 said deposition.
12
13 And further, that she is not connected by
14 blood or marriage with any of the parties to this
15 action, nor is she a relative or employee or attorney
16 or counsel of any of the parties, or financially
17 interested directly or indirectly in the matter in
18 controversy.
19
20 That the preceding deposition shall be
21 read by said deponent, and any and all corrections
22 which the deponent desires to make shall be duly made
23 by the deponent on the enclosed errata sheet(s),
24 indicating page and line to be corrected, and that

SULLIVAN REPORTING COMPANY
Two North LaSalle Street
Suite 1615
Chicago, Illinois 60602
(312) 782-4705
August 9, 2010

Mr. Stephen S. Weiss
Tribler, Orpelt & Meyer, PC
225 West Washington Street, Suite 1300
Chicago, IL 60606

Re: 07 L 13584
Washington-Sanders vs. McFadden/Blue Cab

Dear Mr. Weiss:

Enclosed is your copy of the deposition of JAMES BENNETT which was taken on July 26, 2010.

As signature was reserved, please arrange for the deponent to review his transcript making any necessary corrections on the errata sheets. Then have him sign the deponent's signature page and the signature notarized.

Please send the original errata sheets and signed deponent's certificate to Ms. C. Daley Scott, keep copy for yourself, and please send a copy to Ms. L. Rozich and me.

According to Illinois Supreme Court Rule 207(a), signature must be obtained within 28 days or the deposition may then be used fully as though signed. Therefore, your prompt attention in this matter is greatly appreciated.

Sincerely,

Jeanie Plomin, CSR, RPR
Sullivan Reporting Company

Enc.
cc: Ms. C. Daley Scott, Ms. L. Rozich

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1 the explanation, if any, given by the deponent for
2 said corrections shall be thereon noted.
3
4 Jean M Plomin
Certified Shorthand Reporter
License No. 084-003728

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1 the explanation, if any, given by the deponent for
2 said corrections shall be thereon noted.
3
4 *Jean M. Plomin*
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#7

BLUE CAB COMPANY OWNER-OPERATOR AGREEMENT

This Agreement (the "Agreement") is made this 23rd Day of March 2006, Between Blue Cab Company, Inc. (hereinafter, the "Company" or "Blue Cab") Thomas Mcfadden-1618 S. Home Berwyn, IL 60402 hereinafter, "Owner" or "Owner/Driver").

WHEREAS, the Company is the holder of municipal taxi owner licenses in the Oak Park, River Forest and other areas in Illinois;

WHEREAS, the Company, through its intimate knowledge the taxicab business has developed methods and techniques for the profitable operation of taxicabs;

WHEREAS, as a result of its knowledge and its success in developing business through advertising and other means, Blue Cab has built a reputation for prompt and courteous service in the areas authorized by its licenses.

WHEREAS, the success of Blue Cab depends on the continuation of this reputation and goodwill and upon its maintaining the high standards of prompt, efficient, safe and courteous service to the public.

WHEREAS, the Owner/Driver, being duly aware of the reputation of Blue Cab and its business standards herein above set forth, has acquired a vehicle and desires to operate his or her vehicle as a taxicab as an independent contractor under the Blue Cab name under a leasehold agreement;

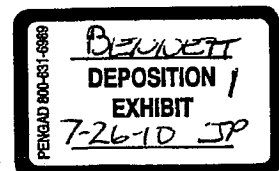
Now, therefore, in consideration of the foregoing and of the mutual agreements contained herein. Blue Cab and the Owner/Driver agree as follows:

1. **Term.** This Agreement shall be in effect until this Agreement is terminated as provided for in Paragraph 19 below. Nothing in this Agreement shall constitute a promise by Blue Cab to contract with Owner for any specific duration.

2. **Compliance with regulations.** Owner/Driver hereby recognizes and agrees that Blue Cab has certain responsibilities and duties under its various municipal licenses to operate taxicabs and pursuant to various city ordinances, state and federal statutes. Owner/Driver agrees to comply with and abide by all laws, ordinances, rules and regulations of federal, state, county, municipal and other government agencies and with any directive of any public officer acting pursuant to law.

3. **Infringement on trade name.** Owner/Driver hereby acknowledges the validity of the trade name "Blue Cab" and also acknowledges that it is the property of Blue Cab. Owner/Driver agrees not to infringe upon, harm, or contest Company's right to or interest in the name "Blue Cab".

4. **Use of mark.** Owner/Driver shall not use any mark, logo, design or name of Blue Cab other than as herein authorized.



5. **Reputation of Company.** Owner agrees to give his or her personal loyalty to the goals and purposes of the company and to promote the growth and the identity of the company and its good reputation for prompt courteous customer service to the public. Owner agrees not to act in anyway detrimental to the public image and/or business interest of Blue Cab.

6. **Maintenance of Vehicle(s).** Owner agrees to maintain all vehicles used for Blue Cab taxi service in good condition and Owner agrees to repair and to pay all costs, expenses, fees, and charges incurred in connection with the operation, titling, licensing and registration of said vehicle(s) including, but not limited to, maintenance, repairs, fees and servicing, taxes, assessments, and other governmental charges whatsoever payable on said vehicle(s) or on the use, possession or operation thereof.

7. **Inspection.** Owner agrees to present the taxicab to the Company for inspection as to condition, cleanliness and safety at a mutually agreeable upon reasonable notice to the Owner once each 30 days on mutually agreeable date.

8. **License.** Owner agrees that the taxi owner's license may be used only upon this specific vehicle until such time as it is properly authorized by the Company for a replacement vehicle.

9. **Assignment.** Any rights of the owner under this Agreement shall not be sold, assigned or transferred.

10. **Non-Conveyance.** Nothing contained herein shall have the effect of transferring or conveying to Owner any right, title or interest in any equipment furnished by Blue Cab, or any licenses or duties relating to.

11. **Independent Contractor Relationship.** This agreement does not render the Owner/Driver an agent, legal representative, joint venturer or partner of Blue Cab for any purpose whatsoever, it being understood between the parties hereto that the Owner is to act as an independent contractor, and is in no way authorized to make any contract, agreement, warranty or representation on behalf of Blue Cab. It is expressly agreed, stipulated, and understood that Owner/Driver shall not be deemed or considered an employee of Blue Cab, or as being entitled to participate in any plans, distributions or benefits extended by Blue Cab to any of its regular employees. The Owner agrees to pay any required state or federal employment taxes, social security or unemployment taxes. The Owner understands and agrees that as an independent contractor, there is no employer/employee relationship, and coverage under workmen's compensation insurance is not provided or required.

11. **Liability Insurance.** The owner will maintain public liability insurance of at least \$250,000.00 with Blue Cab as the named insured. Certificates of insurance indicating this coverage must be issued and presented to the Company naming Blue Cab as certificate holder.

12. **Maintenance of Equipment.** Computer, meter and Two-way radio and camera

maintenance will be provided by the company except in the case of vandalism or abuse. Theft of any equipment or components will be chargeable at the Company's cost and shall be credited towards Owner's required \$1,300.00 deposit as described in Paragraph 13 below. The deficiency will immediately be reimbursed to the Company. This deposit may be used to offset any outstanding payments for, but not limited to, dispatching, repairs or notes to the Company or its affiliates.

13. **Covenants of Company and Owner; Deposit.** The Company agrees to furnish to the Owner its goodwill and trade name to be affixed by permanent decal or lettering to each side of the taxicab, a two way radio, meter, camera system, computer, side decals, a toplight and radio dispatch service; free access to all of the Company's taxi stands, the right of participation in the charge account system of the Company, and the Owner agrees in consideration of the foregoing to furnish to the general public a taxicab in good working order and in a safe and clean condition and painted in the company colors and agrees to bear all of the operating costs thereof, as set forth above. Owner further agrees to place a deposit of \$1,300.00 (the "Deposit") with Company upon the execution of this Agreement. The Deposit shall be used to offset expenses described in Paragraph 12 above. Upon the termination of this Agreement for any reason, Company shall inspect the equipment and components used by Owner and shall refund Owner's entire Deposit, less any expenses or costs necessary to repair said equipment and components. The Authorization to Remove Equipment attached hereto is made a part of this Agreement.

14. **Installation and Weekly Lease Fees.** The Owner further agrees for this aforesaid consideration to pay a flat fee of \$350.00 for the installation of the two-way radio, computer meter and decals. Such fee will be recurring as the vehicle is replaced. The Owner agrees to pay \$195.00 per week on the first day of the week in advance, to the Company for the continuing considerations recited herein above. It is understood and agreed that dispatch service will not be provided at any time the fees are in arrears.

15. **Approval of Drivers.** The Owner agrees to submit the names of potential drivers of the vehicles operated under this Agreement to Company officials for approval and to refrain from hiring, leasing to or otherwise engaging the services of any taxicab driver until such driver has been approved by the Company. Owner agrees to strictly prohibit the operation of any taxicab motor vehicle listed in schedule A (attached hereto) by other than an approved driver.

16. **Approval of Advertising.** In the event that the Owner desires to carry display advertising on the inside or outside of the taxicab, the Owner agrees that the company shall have full exclusive power to approve or disapprove the content of such advertising based on the image projected for the Company.

17. **Rate increases; Permissible Rates.** It is further agreed by the Company that in the event of a rate increase the company guarantees that the fees charged under the terms of this Agreement will be increased not more than the same percentage of the rate increase. Owner agrees that the rates of fare charged by any driver of the taxicab named in this Agreement shall be only those approved by the licensing municipality and the Company.

18. **Sublease.** It is further agreed that the owner has no right to assign or sublease this Agreement.

19. **Termination.** Company shall have the right to terminate this Agreement immediately for one or more of the following reasons: (a) If Company learns that Owner or any person permitted by Owner to operate the motor vehicle(s) described in Exhibit A as a taxicab does not possess all required permits and licenses; (b) In the event Owner fails to make all payments to Company when due; (c) If the Owner or any person permitted by Owner to operate the motor vehicles described in Exhibit A is convicted of or pleads guilty to the possession of a motor vehicle or the operation of a motor vehicle while under the influence of intoxicating liquors or drugs; or (d) a violation of Paragraph 20 below. Both Owner and Company may terminate this Agreement by providing the other with 30 days written notice.

20. **Non-Competition.** During the term of this Agreement (including any renewals) and for one (1) year thereafter, Owner shall not:

- (a) Directly or indirectly solicit any long-standing, regular clients of Blue Cab for taxi services with whom Owner became acquainted by virtue of his relationship with Blue Cab;
- (b) Use Blue Cab's dispatch service in any manner for the benefit of any other person or entity or in any manner unrelated to his performance of taxi services under this Agreement;
- (c) Take an ownership interest in, manage, or otherwise control or direct another taxicab company which is licensed by any municipalities whose boundaries are within a seven (7) mile radius of the municipalities in which Blue Cab is currently licensed (Oak Park, Berwyn, Forest Park, North Riverside, River Forest, Hillside);
- (d) Solicit or attempt to cause any other current Blue Cab drivers or other employees to discontinue their affiliation (in the case of an independent contractor) or leave their employment (in the case of an employee) with Blue Cab.

Owner agrees that a violation of this Paragraph 20 shall irreparably injure Blue Cab, and Blue Cab shall be entitled to a temporary restraining order and a permanent injunction against Owner.

21. **Successor Agreement.** This Agreement may be replaced by mutual agreement by a successor agreement at the rates for services in effect at the time of replacement.

22. **Choice of Law; Consent to Venue.** This Agreement shall be construed under the laws of the State of Illinois. Any action brought related to this Agreement shall be brought in the Circuit Court of Cook County, and all parties hereto consent to venue in Cook County.

23. **Authority.** The persons executing this Agreement represent that they have

authority to do so and that they intend their signatures to bind the parties on whose behalf they have signed this Agreement.

In witness whereof, the parties hereby enter into and execute this Agreement as of the date first above written.

CAR OWNER

Blue Cab Company

Thomas J. M. Fadden

By:

B. Kaito-Cy
for Blue

SCHEDULE A

DESCRIPTION OF MOTOR VEHICLE

2000 FORD CROWN VICTORIA

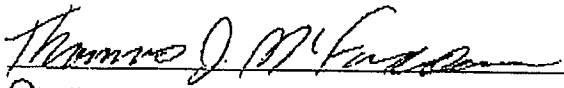
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21552TX

AUTHORIZATION TO REMOVE EQUIPMENT

The Owner agrees to allow Blue Cab or any of its affiliated companies to remove all the taxi cab related equipment that was originally installed in Owner's vehicle. Blue Cab shall reserve the right to remove all taxi equipment and decals at any time. Blue Cab or affiliates will not be responsible for any holes or damages caused by removal of equipment.

Owner Agrees to allow Blue Cab or any affiliated to Tow or have Towed vehicle to Blue cab office with or without owners Authorization.


Owner

Print

M & C MOTORS, INC.

417 Roosevelt Rd.

Forest Park, IL 60130

PHONE (708) 583-6910

REG #

McFadden, Tom

1618 Home Ave

BERWYN, IL 60402

| Tech | Qty. | Part Number | Description | Each | Total | Date | 10-02-2007 | Mileage | 0 Invoice | 35451 |
|------|------|-------------|-------------|------|-------|------|------------|---------|-----------|-------|
|------|------|-------------|-------------|------|-------|------|------------|---------|-----------|-------|

AD Labor removal of taxi equipment 34.50
MIN

SubTotal 34.50

AD payment to get access to vehicle to remove equipment 250.00
MIN

SubTotal for SUB 250.00

Model 2000 FORD CROWN VIC 4.6

License 21552TX

Unit 07

Vin 2FAFP71W6YX166916

Home 708-749-3323

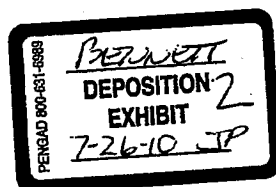
Work - -

| Service History | Miles | Date | Next Service Due |
|-----------------|--------|---------|-------------------|
| OIL LUBE & | 182053 | 9/11/07 | 186053 10-11-2007 |
| ENGINE TUNE UP | 0 | | Never Serviced |
| EMISSIONS | 0 | | Never Serviced |
| FUEL INJ | 0 | 9/14/06 | N/A 06-09-2009 |
| FUEL FILTER | 0 | | Never Serviced |
| AIR FILTER | 0 | | Never Serviced |
| A/C SERVICE | 0 | | Never Serviced |
| FRONT END | 0 | | Never Serviced |
| TIRE(S) | 0 | | Never Serviced |
| ROTATE TIRES | 0 | | Never Serviced |
| SHOCKS / | 0 | | Never Serviced |
| FRONT BRAKE | 0 | | Never Serviced |
| REAR BRAKE | 0 | | Never Serviced |
| TRANSMISSION | 0 | | Never Serviced |
| COOLING | 0 | | Never Serviced |
| HOSES / BELTS | 0 | | Never Serviced |
| TIMING BELT | 0 | | Never Serviced |
| BATTERY | 0 | | Never Serviced |
| FLEET SERVICE | 0 | | Never Serviced |
| SAFETY | 163827 | 3/7/07 | 213827 09-03-2007 |

| Department | Sale |
|--------------------|--------|
| Labor | 34.50 |
| Sublet Labor | 250.00 |
| Road Service | 0.00 |
| Parts | 0.00 |
| Storage | 0.00 |
| EPA Charges | 0.00 |
| Discount | 0.00 |
| Shop Supplies | 0.00 |
| Discount | 0.00 |
| Environmental fees | 0.00 |
| SUB TOTAL ==> | 284.50 |
| Sales Tax | 0.00 |
| TOTAL ==> | 284.50 |

| Payments |
|----------|
|----------|

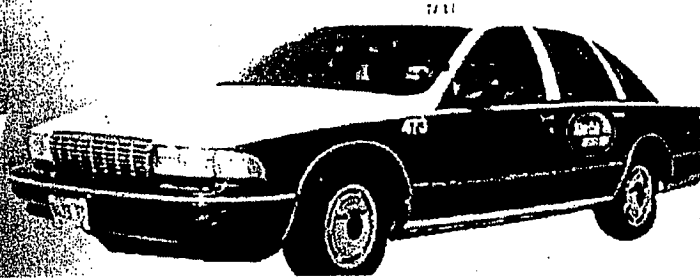
0.00 Total Paid
284.50 Balance Due



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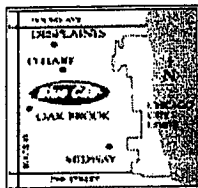
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Taxi Cab Service Chicagoland CORPORATE TRAVEL SOLUTION...



Blue Cab has been the choice of both small and large companies alike when it comes to taxi cab service to meetings, events and the airports. Corporate pricing plans are available upon request. Blue Cab also provides time-sensitive package delivery in a 48 state area.

SERVICE YOU CAN COUNT ON...

- 24 hour service, 7 days a week
- Time orders accepted
- Clean and well maintained vehicles
- Flat rates to Midway & O'Hare airports
- Quick response time
- Computer Dispatched
- Over 78 years of courteous, helpful service

RELIABLE, ECONOMICAL TRANSPORTATION SOLUTIONS...

Blue Cab Company offers quick response times via our GPS tracked and computer dispatched fleet. When you're on the go, Blue Cab is your best choice for timeliness offering a pleasurable transportation experience at a cost effective price.

Call 708-583-6900

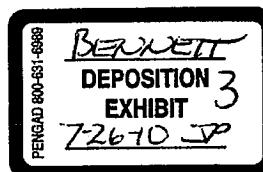
We provide Taxi Service in the following Chicagoland cities:

| | | | | | | |
|--------------------|---------------|------------------|----------------|----------------------|---------------|-----------------|
| Addison | Bridgeview | Elk Grove | Itasca | Midway | River Grove | Western Springs |
| Aurora | Broadview | Elmwood Park | Justice | Naperville | Riverside | Westmont |
| Bedford Park | Brookfield | Forest Park | La Grange Park | Norridge | Rosemont | Willow Springs |
| Bellwood | Burbank | Franklin Park | Lisle | Northlake | Schiller Park | Willowbrook |
| Bensenville | Burr Ridge | Glen Ellyn | Lombard | Oak Brook | Stickney | |
| Berkeley | Cicero | Glendale Heights | Lyons | Oak brook Terrace | Stone Park | |
| Berwyn (N 22nd st) | Countryside | Harwood Heights | Maywood | Oak park (N of lake) | Summit | |
| Berwyn (S 22nd st) | Darien | Hillside | Mccook | Oak park (S of lake) | Villa Park | |
| Bloomington | Downers Grove | Hinsdale | Medinah | Park Ridge | Warrenville | |
| Bolingbrook | Elmhurst | Hodgkins | Melrose Park | River Forest | Westchester | |

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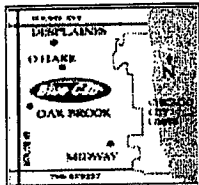
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SERVICES

Services that we offer :

- Taxicab Service
- Passenger Transportation
- Airport Transportation
- Medi car and Paratransit Services
- Hospital Transportation
- School Bus Transportation
- Special Education Transportation
- Children Transportation
- Transportation for disabled
- Corporate Transportation

Call 708-583-6900

We provide Taxi Service in the following Chicagoland cities:

| | | | | | | |
|--------------------|---------------|------------------|----------------|----------------------|---------------|-----------------|
| Addison | Bridgeview | Elk Grove | Itasca | Midway | River Grove | Western Springs |
| Aurora | Broadview | Elmwood Park | Justice | Naperville | Riverside | Westmont |
| Bedford Park | Brookfield | Forest Park | La Grange Park | Normridge | Rosemont | Willow Springs |
| Bellwood | Burbank | Franklin Park | Lisle | Northlake | Schiller Park | Willowbrook |
| Bensenville | Burr Ridge | Glen Ellyn | Lombard | Oak Brook | Stickney | |
| Berkeley | Cicero | Glendale Heights | Lyons | Oak brook Terrace | Stone Park | |
| Berwyn (N 22nd st) | Countryside | Harwood Heights | Maywood | Oak park (N of lake) | Summit | |
| Berwyn (S 22nd st) | Darien | Hillside | Mccook | Oak park (S of lake) | Villa Park | |
| Bloomington | Downers Grove | Hinsdale | Medinah | Park Ridge | Warrenville | |
| Bolingbrook | Elmhurst | Hodgkins | Melrose Park | River Forest | Westchester | |

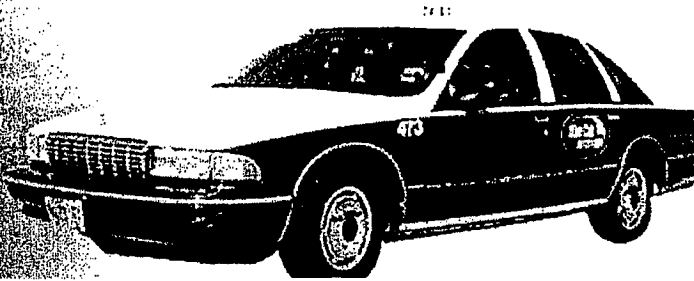
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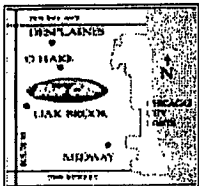
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CORPORATE ACCOUNTS

Thank you for considering Blue Cab Co. for your client transportation needs. Blue Cab is a family owned business that has been servicing the near west suburbs for over 80 years. We presently have a fleet of 100 vehicles that operate anywhere from O'Hare Field to Midway airport and from I355 east into Chicago. Blue Cab operates 24 hours a day, 365 days a year. We are always here for your client needs.

Corporate/medical transportation is not new to us. Currently, approximately 25 percent of our business is a form of corporate or medical transportation. We are presently doing business with over 200 corporate, medical and social service organizations. Should you consider Blue Cab for your client transportation needs, we will gladly provide references at your request.

As with all our account customers, the following will apply. (If this is not conducive to your operation, please let us know and we will accommodate any changes necessary).

- Blue Cab will open an account on a voucher program. Accounts can be customized by department, division or any way you feel necessary to best manage the program.
- Blue Cab will provide voucher books for you that are to be filled out by your staff with all the pertinent information. If there were a return trip, two separate tickets would need to be completed. This would help protect against unauthorized charges to your accounts.
- When the order is placed, we will ask the staff member to provide the following information:
 - If the client is being picked up from home, the client's home phone number so we may make contact on arrival
 - The address for the pickup
 - The destination (our driver's are instructed to take clients only to the destination given unless we receive additional authorization for a change)
 - The passenger's name
 - Which department is being charged
 - The name of the person authorizing the trip
 - The name of the person authorizing the trip
 - If the order is a prearranged trip, let the agent know what day and time is needed. We can prearrange trips up to 90 days in advance
 - If there are any special instructions, let the agent know at this time

Charges will be based on our regular meter rate of \$2.25 base fare plus \$1.90 per mile. An additional 15% will be added to each fare for administrative charges. There will be no need for the passenger to add any gratuity to the fare. Blue Cab bills all account customers twice

a month, on the 15th and the last day of the month. If this is not conducive to your needs, we can customize a program for your clients.

We ask that you provide us with a list of key personnel to contact in case of problems or emergencies. We are certain you will be pleased with our service. If you have any questions or concerns, please feel free to call.

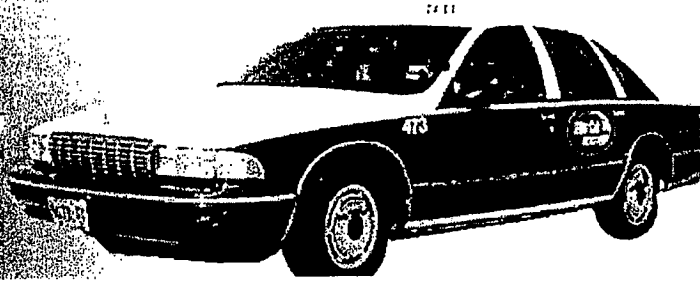
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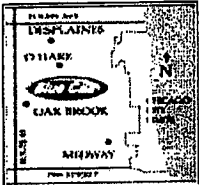
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RATES

BLUE CAB AIRPORT RATES:

| TOWN | OHARE | MIDWAY | TOWN | OHARE | TOWN |
|--------------------|-------|--------|----------------------|-------|------|
| ADDISON | 29 | 40 | LA GRANGE PARK | 26 | 24 |
| AURORA | 60 | 66 | LISLE | 37 | 41 |
| BEDFORD PARK | 38 | 14 | LOMBARD | 29 | 38 |
| BELLWOOD | 22 | 26 | LYONS | 30 | 18 |
| BENSENVILLE | 19 | 41 | MAYWOOD | 26 | 25 |
| BERKELEY | 22 | 27 | MCCOOK | 35 | 18 |
| BERWYN (N 22ND ST) | 29 | 20 | MEDINAH | 28 | 50 |
| BERWYN (S 22ND ST) | 31 | 18 | MELROSE PARK | 21 | 31 |
| BLOOMINGDALE | 30 | 47 | MIDWAY | 45 | 10 |
| BOLINGBROOK | 45 | 43 | NAPERVILLE | 45 | 44 |
| BRIDGEVIEW | 38 | 18 | NORRIDGE | 16 | 36 |
| BROADVIEW | 25 | 25 | NORTHLAKE | 21 | 34 |
| BROOKFIELD | 29 | 23 | OAK BROOK | 26 | 30 |
| BURBANK | 42 | 16 | OAK BROOK TERRACE | 25 | 32 |
| BURR RIDGE | 36 | 27 | OAK PARK (N OF LAKE) | 24 | 24 |
| CICERO | 33 | 18 | OAK PARK (S OF LAKE) | 26 | 22 |
| COUNTRYSIDE | 31 | 22 | PARK RIDGE | 20 | 43 |
| DARIEN | 34 | 32 | RIVER FOREST | 23 | 25 |
| DOWNERS GROVE | 32 | 34 | RIVER GROVE | 20 | 28 |
| ELK GROVE | 21 | 50 | RIVERSIDE | 29 | 21 |
| ELMHURST | 23 | 34 | ROSEMONT | 11 | 42 |
| ELMWOOD PARK | 22 | 27 | SCHILLER PARK | 15 | 38 |
| FOREST PARK | 24 | 23 | STICKNEY | 31 | 18 |
| FRANKLIN PARK | 16 | 34 | STONE PARK | 20 | 31 |
| GLEN ELLYN | 34 | 41 | SUMMIT | 36 | 17 |

| | | | | | |
|-----------------|----|----|-----------------|----|----|
| GLENDAL HEIGHTS | 34 | 45 | VILLA PARK | 26 | 36 |
| HARWOOD HEIGHTS | 17 | 38 | WARRENVILLE | 44 | 48 |
| HILL SIDE | 24 | 26 | WESTCHESTER | 25 | 26 |
| HINSDALE | 30 | 28 | WESTERN SPRINGS | 27 | 25 |
| HODGKINS | 33 | 19 | WESTMONT | 30 | 30 |
| ITASCA | 26 | 48 | WILLOW SPRINGS | 38 | 25 |
| JUSTICE | 39 | 20 | WILLOWBROOK | 33 | 28 |

We never charge meter + 50% regardless of your destination

Airport rate information:

1. Airport rates are door-to-door service, no stops
2. When an airport trips requires multiple stops, the meter will run to the last stop before the airport. The flat rate from that city then applies to the airport. The same rules apply on return trips.
3. When separate parties share rides to/from the airports, each party pays 75% of the current airport rate.

Extra Charges:

| | |
|--------------------|------------------------|
| MPEA | \$1.00 ON ALL TRIPS |
| CHICAGO GROUND TAX | \$1.00 ON ALL TRIPS |
| ADD'L PASSENGERS | .75 CENTS EACH OVER 12 |
| VAN REQUEST | \$10.00 |



LOCAL PHONE# : 708-383-2121

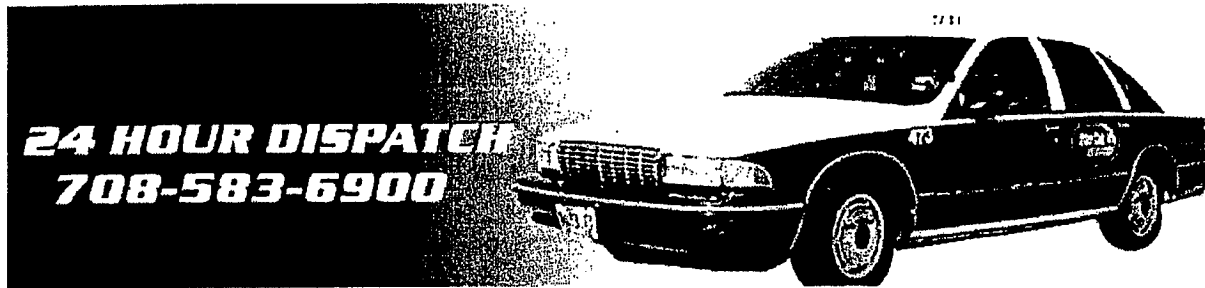


OUT OF STATE RESERVATIONS : 1-800-779-3131

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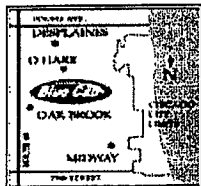
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CAREERS

Please fill out this form and indicate whether you are applying for Driver positions or Office positions.

First name :

Last Name :

Phone :

Email :

Applying for :

Select position

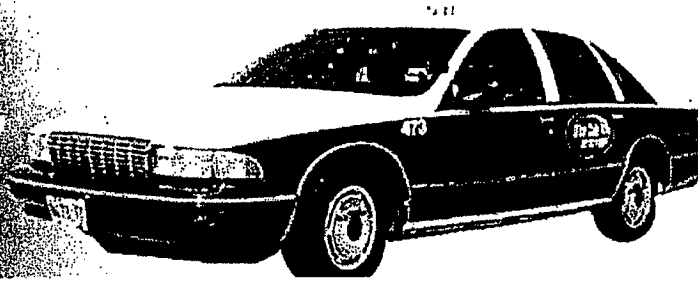
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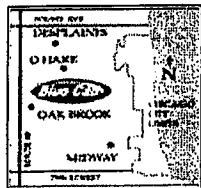
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CAREERS

Please fill out this form and indicate whether you are applying for Driver positions or Office positions.

First name :
 Last Name :
 Phone :
 Email :
 Applying for :

Select position

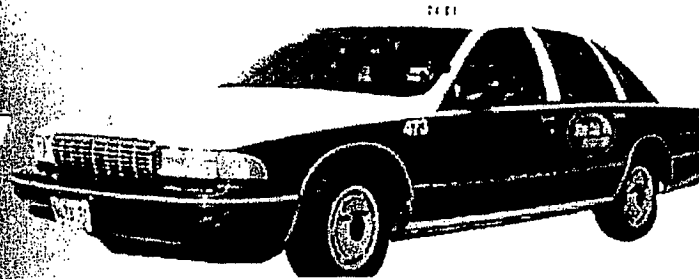
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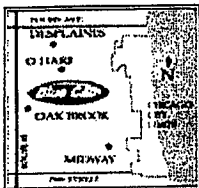
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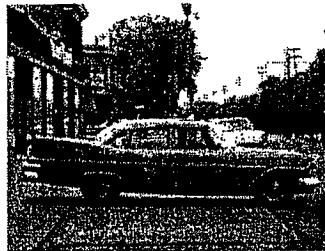
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ABOUT US



Founded in 1923, Blue Cab is one of the oldest cab companies in the Chicago metro area. Blue Cab is always leading the way in improving its cab service through adopting state-of-the-art technology. Blue Cab has always looked at ways to help improve its services.

Before the use of two-way radios, Blue Cab set up telephone stations for the drivers to use to get their next order.



In the 1950's, Blue Cab installed two-way radios in all its cabs to increase the dispatch speed. In 1963, Blue Cab installed a second two-way radio in every cab to help the dispatcher know if the driver's meter was on. This helped the dispatcher find and schedule the next available cab thereby increasing the dispatching speed significantly.

Today Blue Cab uses the most advanced dispatching system on the market. The use of GPS (Global Positioning System), automated call ordering and Mobile Data Terminals has resulted in one of the fastest response times by any cab company.

Blue Cab - 24 Hour Dispatch

Page 2 of 2



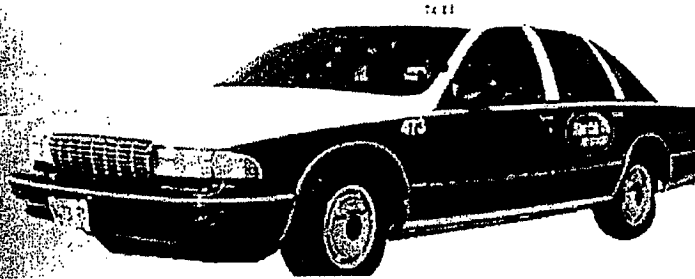
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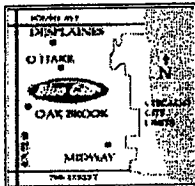
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Forest Park, IL - 60130.

Phone : (708) 383-2121
Fax : (708) 583-6901
Email : info@bluecab.us

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF COOK)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - LAW DIVISION

6 ROSE M. WASHINGTON-SANDERS,)
7)
8 Plaintiff,)
9)
10 vs.) No. 07 L 13584
11)
12 THOMAS McFADDEN, Individually)
13 and as an Agent and/or Employee)
14 of BLUE CAB CO., INC.; and BLUE)
15 CAB CO., INC., an Illinois)
16 corporation,)
17)
18 Defendants.)

19 This is to certify that I have read the
20 transcript of my deposition taken on the 26th day of
21 July 2010 in the foregoing cause, and that the
22 foregoing transcript accurately states the questions
23 asked and the answers given by me, with the changes
24 or corrections, if any, made on the Errata Sheet(s)
attached hereto.

25 _____
JAMES BENNETT

26 Subscribed and sworn to
27 before me this _____ day
28 of _____ 2010.

29 _____
Notary Public

SULLIVAN REPORTING COMPANY
Two North LaSalle Street
Suite 1615
Chicago, Illinois 60602
(312) 782-4705

August 9, 2010

Mr. Stephen S. Weiss
Tribler, Orpett & Meyer, PC
225 West Washington Street, Suite 1300
Chicago, IL 60606

Re: 07 L 13584
Washington-Sanders vs. McFadden/Blue Cab

Dear Mr. Weiss:

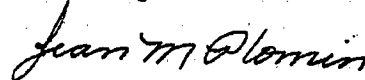
Enclosed is your copy of the deposition of JAMES BENNETT which was taken on July 26, 2010.

As signature was reserved, please arrange for the deponent to review his transcript making any necessary corrections on the errata sheets. Then have him sign the deponent's signature page and have the signature notarized.

Please send the original errata sheets and signed deponent's certificate to Ms. C. Daley Scott, keep a copy for yourself, and please send a copy to Ms. L. Rozich and me.

According to Illinois Supreme Court Rule 207(a), signature must be obtained within 28 days or the deposition may then be used fully as though signed. Therefore, your prompt attention in this matter is greatly appreciated.

Sincerely,



Jeanie Plomin, CSR, RPR
Sullivan Reporting Company

Enc.

cc: Ms. C. Daley Scott, Ms. L. Rozich

100